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THE BOOK COLLECTOR

AND

OTHER PAPERS

BY

ADRIAN HOFFMAN JOLINE

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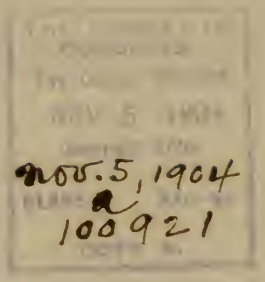

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PREFATORY NOTE.

THE improper conduct of proper names in print is proverbial. Mrs. Keeley masquerades under her husband's name on page 139. The late T. Bailey Myers attempts to conceal himself on page 60. The Honorable Mrs. Norton assumes, on page 130, a title which does not belong to her. These perversities successfully eluded author, printer and proof-reader, each of whom insists that he is responsible.

Luckily the newspaper critics, like most other people, pay very little attention to privately printed books. I thank my two English friends who so kindly pointed out two of these blunders just in time to enable me to offer this apology.

I find that Mr. W. E. A. Axon has expanded his sketch of Ainsworth into a short "Memoir" of forty-three pages, published by

Gibbings and Company, London, 1902, and I am indebted to Mr. Ernest Dressel North for a copy.

The papers included in this book have been gathered together merely for those friends who may care enough for them to give the volume a place on the shelves of their libraries, and not because there is anything in them which is worthy of preservation.

BERNARDSVILLE, NEW JERSEY,
July 16, 1904.

THE BOOK COLLECTOR

THE BOOK COLLECTOR

IT MAY seem presumptuous for any one who is a mere bibliophile to attempt to treat of collecting and of the collector even in a brief and desultory fashion; yet perhaps he may be better qualified to deal with the fascinating subject than one who is himself a member of the inner brotherhood. We know, of course, that a man may be an ardent bibliophile and even a bibliolater without deserving the dignified name of collector, although it must be confessed that bibliophilism and bibliolatry lead to collecting almost as surely as all those things abhorred by my ancient Professor of Moral Philosophy used to "lead to Pantheism;" but bibliophilism and collecting are by no means synonymous. The list of members of the Bibliophile Society contains, if I am not mistaken, the

names of many who make no pretensions to the rank of collector. Possibly it is because of their modesty, for all book-lovers and nearly all lawyers are afflicted with that over-estimated virtue. As I venture to enroll myself in both of these divisions of mankind, it will readily be perceived that as far as modesty is concerned, I am worthy of what our English cousins call "a double first-class."

In a volume lately published, the title of which my shrinking diffidence does not permit me to mention, I remarked with much apparent profundity that the appellation of "collector" carries with it "the suggestion of a wise and discriminating man who gathers the old and the rare, who selects only the best examples, and who knows precisely what he wants." There is only a modicum of truth in that rather dogmatic assertion, because a genuine collector, a choice specimen of the charming *genus*, is often unwise and undiscriminating, gathering not only the old and the rare but the new and the common, all the more lovable for his insatiate thirst for books, and wanting "everything in sight," if one may be allowed to indulge in that condensed expression of thought which the narrow purist calls slang, but which broader minded men employ when

they wish to drive an idea home to a reader or to a listener.

But whether the collector be fastidious in his taste and dainty in his appetite, or greedy, gormandizing, omnivorous and cormorant-ish, he is an object of interest for he arouses in some observers a feeling of envy and of admiration, mingled with a slight infusion of awe, and in others who are unfortunately lacking in that catholicity of spirit which the judicious commonly possess, an emotion of pity, an indulgent tenderness, a sort of kindly commiseration. Not long ago I saw a line of Carlyle's written to some youthful gleaner of autographs, sneeringly characterizing that pursuit as a "poor" one, a judgment in which many will heartily concur, more's the pity, and many, but not so many, have a like estimation of the hobby of collecting books. A newspaper reviewer, that most airy and affectedly omniscient of creatures, recently said of a writer of books about books, that "he does seem to be more interested in books than in life, which is a bad thing." It was a fatuous remark, and if he had been considering a treatise on geometry he might with equal propriety have said that the author was less interested in life than in mathematics. It is, however, an illustration of the

attitude which persons of limited intelligence are apt to assume towards those who rejoice in books and who love to bring together in fond companionship the best of them, creating what Carlyle called the true university of these days—a collection of books. One might well long for Elia's candle to examine the bumps of an individual who intimates that an interest in life and an interest in books are incompatible. His dullness of wit is to be compared only with that of an innocent person who in observing a portrait of Charles Lamb prefixed to a book of mine, asked the friend who had thoughtlessly thrust it upon him, if that was the name under which I usually wrote! Wordsworth tells us that "books, we know, are a substantial world, both pure and good," and that

> Round these with tendrils strong as flesh and blood,
> Our pastime and our happiness will grow.

It may be that a few of the famous collectors lost in their bibliophilic zeal an interest in what is called life, a concern for their fellow-beings, a desire to leave the world better for their living in it, but as an amiable bibliophile has well said—"In these busy days most bibliophiles and book-collectors are men of affairs." In my own small circle of acquaintances I know men who are kings in the

world of finance, men who belong among the great builders and constructors, men who are leaders in their professions, who at the same time are among the most enthusiastic in their fondness for their books. What of life could that poor scribbler have seen or known which had not been comprehended by these men of stalwart intellect, of broad culture, who find in their beloved libraries that relief from the strain of great responsibilities which enables them to perform their tasks successfully and gives them strength for the daily conflicts in the world of business, the battles of the courts, the strife of human endeavor.

As a rule, a long-lived and contented race are these accumulators of books and ancient manuscripts. There was the Right Honourable Thomas Grenville, statesman and collector, whose fame still dwells with us, who died at ninety-one, leaving to the British Museum a library of over twenty thousand volumes which had cost him more than £54,000. Panizzi said of it that except the library of George III. the Museum had never received so important an accession. When we recall that there were among the vellum copies a Mazarine Bible of 1454, an Aldine Dante of 1502, and a marvelous Vitruvius of Giunta dated in 1503—but the catalogue

would rival that of the ships in the *Iliad*—we may imagine the rest. Grenville used to boast that when he was in the Coldstream Guards and under twenty-five, for he entered Parliament at that age in 1780, he "bid at a sale against a whole bench of Bishops" for some rare Bible. It is delightful to think of nearly seventy years of collecting, especially when we remember that during much of the time he had abundant leisure, being splendidly paid by the State for doing nothing of much account—which was the reason assigned by this man, who surely deserved the title of "Right Honourable," for giving his books to the nation instead of bestowing them upon his great-nephew, the Duke of Buckingham. It is no discredit that he held a sinecure in that century.

Another collector who attained a patriarchal age was the gorgeous William Beckford, who came into a fortune of £100,000 a year and who spent right royally not only his income but his principal during his eighty-five years. Not a small part of it was lavished upon a library which as lately as 1882-1883 came to the ultimate fate of libraries, the auction room, under the auspices of those princes of the book-selling realm, Sotheby, Wilkinson, and Hodge, who still continue to

be the greatest book-auctioneers in the world. It was just a century after the time when, if tradition does not mislead us, Beckford wrote *Vathek* in a single sitting of three days and two nights. I wonder if anybody reads *Vathek* in these twentieth century times. I own that I never read it myself, but we have read about it so often that we feel almost as intimate with it as we do with *Pilgrim's Progress*, which is but an honored name in this generation. Possibly I am incautious in making that daring assertion, because a dozen men may cry out that they have read every word of Bunyan's immortal religious romance; but there are eighty millions of people in the United States of America, exclusive of the inhabitants of Porto Rico, of the Philippines, and of the Sandwich Islands, and Indians not taxed.

So preservative of health is the pastime of book-collecting — or, if the solemn person prefers it, the profession of book-collecting — that almost to the day of his death, Beckford seemed to be strong and vigorous, showing few signs of advancing years. His son-in-law, Alexander, tenth Duke of Hamilton, reached the same great age, dying in 1852 at eighty-five. The library of Beckford was added to the Duke's own. He was rich in manuscripts and

most of them went to the Royal Museum and the Royal Library in Berlin, at a price said to have been over £75,000. Among them was the celebrated *Golden Gospels* inscribed in gold letters on purple vellum, at one time the property of Henry VIII., and also the *Divina Commedia* of Dante, with illustrations attributed to Sandro Botticelli, valued at £5,000. Such treasures are the despair of our poor, modern millionaires, who are said to pay enormous sums for books of far less rarity and distinction. The humble owners of a few precious volumes think with awe of the £397,562 which was realized on the sale of the Beckford-Hamilton library. Such reflections bring to our saddened minds the words of that delightful preserver of all good things about books, Andrew Lang, who sings of

> The Books I cannot buy,
> Their phantoms round me waltz and wheel,
> They pass before the dreaming eye,
> Ere sleep the dreaming eye can seal.

Grolier had come to his eighty-sixth year when he died among his books, at his Hotel de Lyon; and Antonio Magliabecchi, who read every catalogue and knew the actual *situs* of almost every book of importance in his day, passed out of life in his eighty-second year, "dirty, ragged and happy as a king"

according to the Eltons. It was of Magliabecchi that the familiar tale is told about his answer to the Grand Duke's inquiry concerning a certain work:—"The only copy is at Constantinople in the Sultan's library, the seventh volume in the second book-case on the right as you go in." Thomas Caldecott, John Bellingham Inglis, and John Wingfield Larking at ninety, Sir Christopher Wren at ninety-one, Samuel Rogers at ninety-two, and John Payne Collier at ninety-four are only a few additional examples of the well-known truth that the collecting of books is the preservative of life as the printing of them is the "art preservative of all arts." Study the record of "English Book Collectors" as written down by Mr. Fletcher, and you will be forced to admit that the old-fashioned collectors were hopelessly addicted to the habit of octogenarianism. It may not be worth our while to search into the reasons why, but we may conjecture that the placid and peaceful retirement of the book-lover may be more conducive to long life than the contests and struggles of the world—with their strain upon the vital force and their concomitant waste and dissipation. The contentment of noble minds is not an insignificant factor in the prolonging of human existence.

They are generous too, these lovers of books. There was Nicolas Fabry de Peiresc, whose books "came rolling in on every side"; who always had at least one binder in his house; and who, despite his profuse purchases, left only a small collection because he lent so much and gave away so many. The great Jean Grolier was generous in his gifts, and the bookman will recall the inscription "*et Amicorum*," generally stamped on his books immediately after his name, to show that they belonged to his friends as well as to himself, although some students have reached the conclusion, by a course of reasoning which I am unable to follow, that he was merely indicating the possession of duplicates. Richard Heber, the most liberal in his loaning of volumes from his immense assemblage, aroused the enthusiasm of Dibdin—which, perhaps, was not a difficult task—and his willingness to share his treasures with others evoked from the pedantic Doctor a glowing tribute. "This," says Dibdin in his *Bibliomania*, referring to the liberality of Heber, "is the *pars melior* of every book collector and it is indeed the better part with Atticus. The learned and curious, whether rich or poor, have always free access to his library.

> The volumes, open as his heart,
> Delight, amusement, science, art,
> To every eye and ear impart."

The learned author's verse is not of the highest order of poesy, but his intentions were excellent. When Sir Walter Scott dedicated to Heber the sixth canto of *Marmion*, he made an allusion to Heber's generosity in the lines:

> Hoards not like theirs whose volumes rest
> Like treasures in the Franch'mont chest,
> While gripple owners still refuse
> To others what they cannot use.

The Parisian book-stall men of the *Rive Gauche*—who can ever forget the charm of a ramble among their pleasant shelves, spread out along the *quais?*—are not likely to forget the kindness of spirit which prompted Xavier Marmier to leave a thousand francs to be expended "by these good and honest dealers, who number fifty or thereabouts, in paying for a jolly dinner and in spending an hour in conviviality and in thinking of me." "This," adds the amiable Marmier, "will be my acknowledgment for the many hours I have lived intellectually in my almost daily walks on the quays between the Pont Royal and the Pont Saint-Michel." It is in this way, says M. Uzanne, that memories are kept green. The book-stall men are considerate indeed, as I can testify. I bought from one of them an ancient copy of Voltaire's *Henriade*, containing a fascinating plate, for a few centimes.

It was unbound and shabby, but it was curious and would have brought at least twenty times the amount if it had been sold in this country.

While it is pleasant to think of the free and bountiful ways of the men about whom we have been chatting, I am not sure that it is wise to lend carelessly. It affords a temptation to the unscrupulous and it encourages those who should be sternly suppressed, the piratical purloiners of books, the shameless filchers of personal property. The dangers of injudicious lending must not be underrated, and many a vacant space on the shelves of kind-hearted bookmen testifies that it is not always prudent to yield to friendly impulse and that there is a disposition on the part of the unworthy to convert the books of others to their own use. As Laman Blanchard wrote in his *Art of Book-Keeping*,

> How hard, when those who do not wish
> To lend, that's lose, their books
> Are snared by anglers—folks that fish
> With literary hooks,
> Who call and take some favourite tome
> But never read it through,
> They thus complete their set at home
> By making one on you.

With all his attractive qualities, the collector has been the victim of the modern

nomenclature constructed on a basis of Greek, and he has been held up to scorn and ridicule under the title of "bibliomaniac," one which, nevertheless, men like Dibdin have gloried in and exalted. It is a much abused word, and it is often applied without just discrimination. "If a man spends lavishly on his library," said Ruskin in *Sesame and Lilies*, "you call him mad—a bibliomaniac, but you never call one a horse-maniac, though men ruin themselves every day by their horses, and you do not hear of people ruining themselves by their books." Ruskin, who might well have written "hippo-maniac," never heard of course of the sad fate of that unfortunate who not long ago was accused of robbing extensively for the purpose of obtaining funds wherewith to purchase costly *editions de luxe*, falsely so called, and whose downfall brought to the inevitable auction-block all his loved accumulations. They were sold at prices absurdly disproportionate to their cost: his Cooper, which cost him $3,300, going for $561, his Dumas, costing $6,000, for $660, and his Waverley, costing $5,100, for $510. Seldom has there been such a pitiful book-disaster. He was a bibliomane as defined by Jean Joseph Rive, quoted by Isaac D'Israeli in his *Curiosities* and again in Burton's *Book*

Hunter, who said "a bibliomaniac is an indiscriminate accumulator, who blunders faster than he buys, cock-brained and purse-heavy." D'Israeli himself in his essay on "The Bibliomania" calls that malady "the collecting of an enormous heap of books without intelligent curiosity," which, the dear old fellow adds, "has, since libraries have existed, infected weak minds, who imagine that they themselves acquire knowledge when they keep it on their shelves." He condescends, however, to joke mildly about it, saying: "It was facetiously observed, these collectors are not without a *Lock on the Human Understanding*," and he chuckles in a foot-note over the unfortunate Frenchman who translated *Curiosities of Literature*, and with that excusable inability, shared with the Scotchman, to see the point of an English jest, rendered the passage—"mettant, comme on l'a trés-judicieusement fait observer, l'entendement humain sous la clef." Many book-devotees will remember the verses of Doctor John Ferriar, whose epistle to Richard Heber, styled "The Bibliomania" was published in 1809, beginning

> What wild desires, what restless torments seize
> The helpless man who feels the book-disease.

Those who are not acquainted with it will

find Ferriar's poem in a neat little volume called *Book Verse*, edited by Mr. Roberts and published by Elliot Stock in 1896, a charming collection designed to gladden the heart of the fortunate possessor.

The term "bibliomaniac" has come to mean a good deal more than is asserted by either Rive or D'Israeli, and every one whether poor or purse-heavy, whether he blunders or not, whether or not he has a curiosity, intelligent or otherwise, is called a bibliomaniac if he has what his fellow-beings consider to be an overweening regard for books, a glorious passion for the ownership of them and a preference for them over all other earthly things. But the bibliophile, defined by the aforesaid Abbé Rive as "the lover of books, the only one in the class who appears to read them for his own pleasure," may well entertain the opinion that there is good foundation for the charge of mania against some of the fraternity whose freaks and oddities have made them famous—or infamous as you may prefer—and even against those who have never attained notoriety. There is scarcely any limit to the whims and caprices of collectors. Mr. Rees speaks of a sale in 1883 by Messrs. Puttick and Simpson, of "A Unique Collection of Illustrated Matchbox Covers." I

have told elsewhere of a learned jurist who had the fad of gathering old almanacs, and there have been people who cherished the labels on wine-bottles. Passing by such hobbies as those of miniature books—*Sexto-decimos et Infra*, according to our much-honored bookman of Gotham, William Loring Andrews—and of first editions, because one might fill a volume with reflections on themes like that, think of the condition of mind of him who collects title-pages! Yet he flourished luxuriantly not so very long ago. Almost all students of book-history are acquainted with the tale of old John Bagford, shoemaker and biblioclast—the latter word is unknown to the Century Dictionary—whose collection of title-pages and fragments filled sixty-four folio volumes, or, as Mr. Blades will have it, over one hundred volumes. One can never be absolutely certain about these statistics, and when I have been fortunate enough to enjoy glimpses of the wonderful agglomeration under the dome which looks out upon Great Russell Street, Bloomsbury—surpassed only by the countless volumes contained in the *Bibliothèque Nationale* where M. Henri Bouchot, kindly and gracious, will unfold to you all the choicest treasures of one of the greatest libraries in the world—I have

had no leisure to count Bagford's books, but I sympathize with Blades when he proclaims in righteous indignation, that "when you find the colophon from the end or the 'insignum typographi' from the first leaf of a rare 'fifteener' pasted down with dozens of others varying in value, you cannot bless the memory of the antiquarian shoemaker, John Bagford."

Dibdin says of Bagford that he was "the most hungry and rapacious of all book and print collectors, and in his ravages he spared neither the most delicate nor costly specimens." I was surprised to see this quotation badly mangled by no less a person than Richard Garnett in that work of inestimable value, the *Dictionary of National Biography:* but perhaps he took it from another edition of *Bibliomania* than the one which I am permitted to pore over and to fondle. Bagford pretended that his depredations, his conscienceless mutilations of old volumes, were designed to aid him in his contemplated General History of Printing which he never finished, but I think it was only a manufactured excuse; and he collected even covers, bosses and clasps. He had numerous followers, but Mr. Slater calls our attention to the fact that collections of book-titles are not

much in evidence of recent years, regarded as things rather to be ashamed of, and he remarks that "it is abundantly manifest that the wicked man hath turned away from much of his wickedness." I will not take up the mooted question of "Grangerizing," for it would require a volume to deal with it adequately; and I confess that I am a besotted and benighted disciple of the Shiplake parson. I will resist the temptation to argue the case, for this is a Year Book and not a Two-Year Book.

The devotee of strange and curious bindings affords occasionally some testimony tending to prove that a hobby otherwise harmless may be carried to the border-land between sanity and the reverse. Percy Fitzgerald, the industrious compiler and bookmaker, tells us that Mordaunt Cracherode—the father of the Reverend Clayton Mordaunt Cracherode, who was an eminent collector—wore one pair of buckskin breeches exclusively during a voyage around the world, and a volume in his son's collection, now in the British Museum, "is bound in a part of those circumnavigating unmentionables." We learn moreover that one offspring of the first and great French Revolution was the grim humor of binding books in the skin of

human beings. There is an octavo volume of the trial of Corder for the murder of a young woman named Martin—the Red Barn murder, so often told of in books of Criminal Trials,—bound in the murderer's skin, tanned by some surgeon. Mr. Slater describes a copy of Johnson's *Lives and Adventures of the most famous Highwaymen, Murderers and Street Robbers*—a sweet and enlivening work, if we may judge of it by its title—bound in human cuticle taken from a criminal executed at Tyburn. Owing either to dampness or to some imperfection in the process of curing, it sweats what seem to be great smears of blood. It must be a cheerful ornament in a snug and cosy library.

The story of this appalling book brings to my recollection an account which a friend gave me a few days ago of a book which is said to be in the possession of a gentleman in New Orleans. A physician of that city, intending to prepare a treatise on yellow fever, heard of a work on the West Indies, published about the middle of the eighteenth century, in which was given to the world the first account of that dire malady. He gave an order to the Napoleon of books, as he has been styled, the famous Quaritch, who discovered a copy in the heart of Spain. This copy had a number

of maps and plates, whose blank backs were stained with curious brown spots. The owner, after careful scrutiny, detected on one of the soiled pages the words "*Sang de Marat.*" It is said, but I will not vouch for the truth of it, that Marat was intending to visit the West Indies in the hope of restoring his shattered health, and it is believed that when he was stabbed by Charlotte Corday, —"stewing in slipper bath," with "strong, three-footed stool for writing on" close by him, according to the historian whose name need not be given for the style bewrays him, he may have been reading this very book; and "when his life, with a groan, gushed out, indignant, to the shades below" those pages may have received their sanguinary baptism. I have not seen the book and I do not comprehend why the maps and plates should have been the sole recipients of the blood of Marat, as would seem to be the case; but while the volume must be quite gruesome in its suggestions, it has surely an association which entitles it to be possessed in a dark corner, to be exhibited only to those who approach a book with a dignified and becoming reverence. It must be a melancholy but interesting piece of property.

I have in my own collection an extra-illustrated edition of Dowden's Shelley which contains a lock of Wordsworth's hair and one of Southey's. I always feel when I look at them as if I were in the very presence of the illustrious dead. There is a funereal taint about them, by no means agreeable, like that which clings to the peculiar bindings just mentioned. I do not rejoice in such mortuary relics; I should much prefer to own George Napier's copy of the book about the dwarf Jeffrey Hudson, bound in a fragment of Charles the First's silk waistcoat, or the Duke of Roxburghe's collection of pamphlets about Mary Tofts (who pretended to be confined of rabbits) which is appropriately bound in rabbit skin.

It has been said and written countless times that the collector delights above all things in the making of "lucky finds," in "picking up" for a trifle some unique volume, and he dreams of such good fortunes as in childhood we used to dream of finding money. The "find" must as a rule be associated with a small price, or it loses its distinctive value. There are, however, but few of these happy discoveries recorded, and as a recent writer has observed, whenever one begins to read of them he invariably encoun-

ters the same ancient fables, like the Old Hungerford Market tale and the story of Dame Juliana Berners's *Boke of St. Albans* in Thorneck Hall. I have long indulged in the pleasing hope that somehow and somewhere I myself might, in my wanderings, achieve something in the way of a "find" whereof during the remainder of my life I might boast, with that peculiar self-satisfaction exhibited by those who congratulate themselves on the making of a good bargain. My nearest approach to it was in Rome, a year ago, when in one of the shops where the innocent American purchases what he fondly believes to be antiques, there chanced to be, among the rubbish of shabby vases and broken statuettes, a casual volume in old mottled calf, with red edges, lonesome and desolate in the midst of the dubious *bric-a-brac*. After a peep at the title and the fly-leaf, I pocketed it with glee, and the proprietor, more interested in selling his alleged antiquities than in "mere literature," accepted an insignificant number of *lire* with apparent satisfaction. It was a copy of the first edition of the *Tancrède* of Voltaire, not particularly scarce, it is true, but it was the copy which the author presented in 1761 to the famous lawyer-dramatist of Venice, Carlo Goldoni, whose

marble statue looks out upon the Ponte Alla Carraja in Florence, and it bears upon the last page, in Goldoni's handwriting, the words "Proprieta dell' avocato Carlo Goldoni, Veneto."

Much has been written of the wanton extravagance of book-collectors; of the squandering of their scanty means in the acquisition of much that is without substantial value, and of their depriving themselves of even the necessities of life in order to gratify their unholy passion for choice books. A pretty piece of fiction has been published recently which has this idea for its *motif*. The collector's wife, unsympathetic and sorely afflicted, grieving over her ragged babes and lamenting the vagaries of her liege lord, is a familiar character in imaginary chronicles. There is but a slight foundation for these fables, and the collector's wife is usually as enthusiastic as he is about the fascinating pursuit, often urging him to increase his store; but I will own that sometimes, but not very often, the purchase of a long-coveted volume incidentally involves an investment in a new dress or in a hat the like of which is not preserved in the British Museum. My observation teaches me that, excepting the very rich men who are well able to afford the buying of Shakespeare

folios and Golden Gospels, the collector is extremely prudent in his expenditures. "Carefully and judiciously pursued," says the gentle Mr. Rees in his *Pleasures of a Book-Worm*, "the collecting of books is not expensive and is likely to ruin no one." The world at large is fond of cherishing delusions and of perpetuating fallacies; for which reason the general public wholly overestimates the folly of the book-buyer. The public judgment is not infallible, and hence I think we should not disturb ourselves unduly about its opinions.

As now and then there are great misers, there are once and awhile men who seem to aim only at amassing an enormous number of books; men like our old friend Magliabecchi, who lived in a kind of cave made of piles of books, covering floor, bed and all the house with books. When he wished to sleep he would repose in a sort of wooden cradle, lined with pamphlets, which he slung between his shelves, or he would throw a rug over the books on the floor and stretch himself upon them. Heber bought libraries without seeing them, and at the sale of his collection in 1834 and succeeding years, 119,613 volumes were disposed of, realizing £56,774. He is said to have collected in England alone 127,500 volumes and he probably owned at one time

between 145,000 and 150,000 books. That is too many for genuine interest and enjoyment. But Heber pales in the presence of the Frenchman Boulard, the greatest buyer of old books during the last century, who "bought books by the metre, by the toise, and by the acre, and who left 300,000 volumes." There are not many persons so unreasonably covetous; and the *Miser Helluo Librorum*, melodiously and metrically dealt with by Mr. Dole a year ago, is more frequently encountered in literature than in actual life.

Mr. A. P. Russell, in his interesting volume, *In a Club Corner*, refers to the story of the oriental king whose library was so large that it required one hundred persons to take care of it and a thousand dromedaries to transport it. He ordered all useless matter weeded out and after thirty years' labor it was reduced to the capacity of thirty camels. Still appalled by the number of volumes, he ordered it to be condensed to a single dromedary load, and when the task was completed, age had crept upon him and death awaited him. I do not attempt to explain the moral, for every one will explain it to suit himself. I believe, however, that when the private library is swollen to an extent which forbids

a personal relation between the owner and each particular volume, it ceases to be what it ought to be, a comfort and a consolation, a precious possession, whose value is scarcely to be measured in mere money.

It is a temptation to ramble aimlessly through the broad field in which for so many centuries the book-collector has disported himself, and which has been explored with such diligence that it is not unlike the surface of our terrestrial globe, trotted over so thoroughly that few nooks and corners remain undiscovered and untrodden. With the enormous increase in the production of books—they appear so profusely that we are likely to suffer from a fit of literary as well as of financial indigestion—I fancy that before the century is much older the old-fashioned, all-absorbing collector may be destined to join the ranks of the disappearing *fauna*, like the bison, whose numbers have been reduced almost to annihilation by the disastrous effects of civilization. Yet there will always be a few who will cling to the traditions. They will preserve the traits and characteristics of the earnest enthusiasts whose names are cherished in the hearts of all who regard the book as a thing apart from the mean and sordid in life, men about whom the elder D'Israeli

wrote and the fantastic Dibdin prattled so voluminously. They will not be concerned chiefly about the value of their hoards in the market-place; they will have, it may be, a gentle and pardonable vanity in the ownership of some treasure which others cannot procure; they will be proud of their possessions and a little scornful of the Philistine who is ignorant of their merit; but they will be, as they have always been, happy, kindly, and fond of research in the records of the past; not strenuous or over-eager in the pursuit of fame or of fortune, but useful in their modest way, sympathetic and full to the brim with love for their fellow-men. For no man can be a true lover of books who does not also love his brothers.

CONCERNING A CERTAIN AFFECTATION OF THE GREAT

CONCERNING A CERTAIN AFFECTATION OF THE GREAT

AS THE fortunate individuals who are possessed of what the world calls greatness are necessarily different in capacity and endowments from the general body of the people, it is perhaps natural that they should observe the affairs of life from a point of view more elevated and commanding than that which is occupied by ordinary human beings. It is for this reason, no doubt, that they frequently display what we of humbler station are accustomed to characterize as affectations. Those who have devoted time and labor to the study of the lives of great men and women, in order that we may be instructed how to "make our lives sublime,"

will not need to be reminded of particular instances nor to be convinced by the production of testimony tending to establish the verity of the proposition. We are all familiar with the truth that such persons, for example, as Louis XIV., Queen Elizabeth, Napoleon, General Winfield Scott, Horace Greeley and the Kaiser Wilhelm were or are mere bundles of affectations.

I was moved to indulge in these profound reflections by the perusal of some remarks in the "Contributors' Club" in a recent number of the *Atlantic Monthly*, entitled "A Great Person and Certain Bores." The writer announces that he (or she) "has lately been private secretary and literary adviser to a Great Person," and contributes to the enlightenment of mankind this gem of wisdom:

"The worst enemy to the Great Person is the autograph collector. Now, the collector who buys with good money autographs that are already on paper, or who begs from his friends, or who knows celebrities well enough to ask them to their faces for their signatures, may be, and I am sure is, a great nuisance. But he is not a foe to society."

I have elsewhere expressed the opinion, founded partly upon knowledge acquired by a careful examination of written and printed

records and partly upon facts derived from personal observation, that the truly great are not really as sadly bored by requests for autographs as minor magnates of literature and of politics would have an admiring multitude believe. I shall not, however, attempt to justify or to defend the "pestilential nuisance" who "writes for autographs," as he is called by the eminent Mr. W. S. Gilbert. There is no need of heaping upon the head of such a pseudo-collector any further epithets of scorn. Let us say that he is an impertinent intruder and a worm, and let it go at that. Away with him! What is of interest to me is to observe that the Great appear to have developed their affectation so far as to denounce for a nuisance a man who "buys with good money autographs that are already on paper." What terms of contempt would be employed to crush the person who bought them with forged notes or with counterfeit coin, or who purchased autographs inscribed upon brass, or bronze, or imperishable marble, or who made contracts for the future delivery of autographs in the confident expectation of a rise in the market value of autographs, I dare not imagine, but let us for a moment examine the merits of the charge preferred by no less a personage than a former "private

secretary and literary adviser to a Great Person."

It may not profit us to consider what may be the duties of a literary adviser to a Great Female Person. A really Great Person frequently needs the help of a private secretary, but surely not the services of a literary adviser, if that title is to be taken in its ordinary and obvious signification. It may be that the Great Female Person ought at times to be told what kinds of books are appropriate to particular hours of the day, or what styles and colors of binding harmonize most effectively with certain gowns or with the furniture of the apartment devoted to the study of the works of the poets, philosophers or word-painters of the past. It may be that the Great Person has inaccurate ideas of the spelling of English words or of the construction of English sentences, but I cannot believe that she needs to be advised, for example, that she must not prefer Alfred Austin to Milton, or discard Stubbs, Freeman and John Richard Green in favor of the writers of modern historical fiction. The inquiry may, however, be deferred. It is enough for the moment to say that the *Atlantic* article contains conclusive, intrinsic evidence that the Great Female Person mentioned in it is great, not by reason of

intellect or achievement, but solely because of inherited riches; and that the ex-private secretary and ex-literary adviser, notwithstanding a cunning little phrase inserted with intent to deceive, is also one of the bright, alluring, charming and illogical sex, whose members are, we are assured, in our hours of ease uncertain, coy and hard to please, and who rise to their loftiest sphere only in those uncomfortable moments when pain and anguish wring the brow. We may even be right in regarding this fabricator of libels upon harmless collectors as actually a much Greater Person than the wealthy lady who required her literary advice and counsel, and I am sure that I would value her autograph far more highly, unless, as a million autograph writers at least are accustomed to say, at the foot of a cheque.

Verily, the judgment delivered by the ex-adviser whereby she decrees that the collector who buys constitutes himself a nuisance, shows her imperfect acquaintance with the facts and the law. I fear that she promulgated it without due attention to the injunction *audi alteram partem*. If there were any Court of Appeal of competent jurisdiction, that court would reverse it without hesitation, for manifest error appearing upon its

face. The true collector, as we well know, does not "beg from his friends"—it is not necessary. Nor does he ask celebrities for their signatures. He cares little or nothing for the mere signatures of living persons. He would no more think of asking a great man for his signature than a numismatist would think of asking him for a silver dime. It is one of the delusions of the half-educated that autograph collectors—excepting only the lower orders, the triflers,—prize signatures. To be sure, a signature of Shakespeare, or of Julius Caesar, or of Judas Iscariot would be valuable, for reasons which even the ignorant can readily understand. But nobody in this incarnation is likely to trouble any of these personages for a specimen of his handwriting. We need not pause to consider the case of the beggar or of the gatherer of "signatures by request." We are concerned only with him who "buys with good money." It is such a collector whom the ex-Adviser addresses in an imaginary epistle wherein she saucily says: "If you are grown up and hardened in evil ways, if you are a professional collector of great men's letters and relics, you ought to be ——." Perhaps in private and not in print the ex-Adviser uses language not becoming in a self-respecting female.

We come then to the allegation that the collector who buys the letters and relics of great men is a nuisance, hardened in evil ways, who ought to be —— whatever the lady decrees by way of punishment.

The accuser admits that such a collector is "not a foe to society." For this, much thanks. But when, oh Adviser, you tell us that one who is hardened in evil ways is not a foe to society, you would have us believe that your society has no foe in him who is an evil doer; wherefore your society must either have an evil doer as its friend, or it must be indifferent to his evil deeds. This comes of too long an association with the rich.

But why is the collector who buys, a nuisance? A nuisance is something which produces not only annoyance but injury to some one. The acquisition and preservation of letters and manuscripts of distinguished persons is surely not of itself injurious to any one. It is neither *malum prohibitum* nor *malum in se*. If it were, the libraries and museums of the civilized world must be relegated to the category of nuisances and their founders and promoters must be evil doers indeed. If in the Vatican the exposure of a letter of Martin Luther or in the Bodleian the display of a fine example of George Washington's familiar

chirography is in the nature of a nuisance, then let the ex-Adviser, in the words of Patrick Henry, "make the most of it." If in the privacy of my den I preserve with fondness the manuscript of Barry Cornwall's Life of Lamb, or of a story or poem by Charlotte Brontë, or of an epic of Southey, or of an essay of Irving, or of some poems of Swinburne; if I love to read and to caress the letters of Tennyson, of Browning, of Wordsworth, of Charles Lamb, or of our own Longfellow, Hawthorne and Oliver Wendell Holmes, in what respect are the sensibilities of even a feminine literary adviser disturbed or wounded? If I should make an improper use of the intimate and familiar confidences of any writer, so as to give pain to his friends, I might be justly censured; but it is not of such disclosures or publications that the criticism is made. Indeed such disclosures usually come from the friends themselves—seldom or never from collectors. The indictment relates only to the collection and ownership of autograph letters. Surely we are right in dismissing the bill of complaint for want of equity and to regard the careless utterance as merely an instance of a common and unworthy affectation on the part of Great Persons carried to an absurd extreme.

Seriously, my skull is not so thick nor my skin so thin that I do not discern in this screed of the Adviser an attempt at the lightly humorous. It is, however, humor of a cheap and rather time-worn vein. The late Irving Browne said that to call a lawyer a liar, a physician a murderer and a clergyman a hypocrite was the favorite amusement of a numerically considerable portion of mankind. It is also a delight to the mildly facetious to read in the columns of the ordinary newspaper the stale and common jests about the somnolent policeman, the sugar-sanding grocer and the dishonest Sunday-school superintendent. These flat and arid pleasantries may perhaps be harmless, but I think that the pages of an honored and dignified magazine might be employed to better purpose than in disseminating silliness, the humor of which is so subtle that many casual readers may take it as if it were written in sober earnest. To endeavor to bring into ridicule a useful and meritorious occupation is unworthy of a publication as venerable and as highly respected as the *Atlantic Monthly*.

REMARKS ABOUT AUTOGRAPHS

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UPON the principle of dichotomous division, mankind may be said to consist of two classes,—those who collect autographs and those who do not. I am addressing myself to the second and numerically larger class, for to the others I can impart little or nothing of interest or of value. They know it all themselves.

A well-beloved friend, known in the world of literature, said not long ago, in a lecture delivered before the students of a neighboring University, that there were four methods of getting autographs—that is to say, by reception, by gift, by purchase, and by theft. I do not reproduce his exact words, but only my recollection of them as he repeated them to me while we were enjoying a sociable cigar on the pleasant piazza of "The Inn." He did

not refer to a fifth method, adopted only by fiends, which may be styled "extortion," possibly because he regarded it as only a species of the genus theft. It is the devotee of extortion who makes the honorable guild of autograph collectors unjustly odious in the sight of the world. He surely overlooked other ways and means, which may be mentioned hereafter.

I have endeavored elsewhere in a mild and humble manner to vindicate the lover of autographs, truly so-called, but I fear that my well-meant effort has not been overwhelmingly successful. An acquaintance who made false pretense of having read the dissertation, said smilingly to me, "Why, I used to collect autographs myself when I was a boy," unconsciously classing the pursuit with the feeble strivings of childhood. But it is not my purpose to make a brief for the plaintiff in the cause of the autograph-hunter against the scoffer. He who does not comprehend intuitively the good there is in the collecting of autographs will never be convinced by all the logic of the schools. It must come to him like an appreciation of Tintoretto.

In many instances the utterances of those who abuse collectors are the result of mere ignorance. At a sale early in the present

year a number of autograph letters were disposed of by auction, including some of Henry Clay and other American public men, which realized only small sums, and one of King Edward VII., written when he was Prince of Wales, and addressed to Mrs. Langtry, for which royal effusion some misguided but enthusiastic individual paid ninety dollars. Straightway even such journals as the *New York Times* and the *Evening Post*, which make some pretensions to decency and good taste, broke forth in clamor; one of them,—I do not now recall which one,—sneering at the alleged value of collecting as a preservative of literary and historical treasures, and the other announcing with oracular finality that the incident proved the fact that autograph collectors are mere snobs. Of course if the writers of these rather shallow screeds had been well informed they would have understood that the low prices of the great Americans was occasioned by the profusion of the supply—the statesmen of Clay's time must have written letters by the mile—and that, say what those apostles of refinement, the newspaper critics, will, there are vast numbers of people of at least equal refinement, who would gaze with interest and curiosity on a letter from a King to a famous actress

but who would cast an indifferent eye upon a long and eloquent epistle of Clay or of Webster. As to the snobbishness of it, the chances are that the bidder was a little of a "crank," or that there were two agents, each instructed to purchase but without any directions as to a limit. I once innocently made a good friend pay seven hundred dollars for some things which were not worth half the money, because *my* agent, whose limit was only on the aggregate, bid up each item against *his* agent to so high a point that the total reached an absurd amount. Be that as it may, to denounce all collectors as snobs because one of them paid ninety dollars for King Edward's autograph is an excellent example of our old acquaintance in college days, the fallacy of the undistributed middle. As well might we say that because some of our metropolitan journals reek with sensation, crime, and foulness, all newspapers are disreputable and dirty.

We will assume as a postulate that it must be of benefit to gather into one's possession the veritable writings of the famous, the things which their own hands made, and we will consider the way of the man with the autograph.

A notable thing it is, indeed, to receive from

a person of distinction, an autograph letter addressed to one's self, voluntarily, without previous solicitation. Obviously it must be only the favored few who are able to point proudly to letters of that order; men like James T. Fields, Charles Ollier, the publisher, Elliot Danforth, or Laurence Hutton. I believe that the genial Landmarker refuses to admit any other sort within the attractive boundaries of his collection. It is not pleasant to think that at some day such treasures must either be added to the multitude of marketable autographs or be buried irretrievably in some splendid library where nobody will pay much attention to them. I am confident that the surest way of consigning to oblivion a collection of autographs is to bestow it upon a public library, over whose glass-covered cases may well be inscribed *lasciate ogni speranza*. A few framed specimens like the fine George Washington on the walls of the Bodleian, which stirs with pride the heart of the American visitor, are suitable enough, but an autograph collection is not to be stored away in locked cabinets or in steel-bound vaults. It is something to be played with, to be pawed over, to be arranged and rearranged, perpetually to be added to, enlarged, revised and improved. It should be

free from the intrusion of paste and of albums. It should be protected by wrappers or by portfolios only, except perhaps in the case of complete "sets," such as "Signers of the Declaration," "Presidents," "Kings of England," "Napoleon's Marshals," or "Generals of the Revolution," and these, when completed and associated with the best of portraits, may be enshrined by our pet binder in the richest of crushed levant, or in the more durable pig-skin which that dean of collectors, Doctor Thomas Emmet, is said to prefer over all other kinds of binding.

It is also a delightful thing to acquire the autograph by gift, and the soul of the collector expands with emotion when he contemplates the charming specimens bestowed upon him by bountiful friends. I cannot forget my own joy over the rare letter of Jean Paul Richter, sent to me by a generous brother-lawyer, Mr. Theodore Aub, or the manuscript notes of a speech of Daniel Webster, which came from that worthy book-lover, Mr. Gore of Boston, or the Rufus Choate manuscript, a portentous array of wild scrawlings, the gift of another New York lawyer, endowed with a genuine affection for that which is good and instructive, George L. Nichols; or the benefactions of many

others who appreciate the feelings of a collector. My ponderous portfolios of Continental Congressmen would be sadly deficient but for the generosity of Danforth and Greenough. It speaks in no uncertain accents of the altruism of collectors, this fondness for helping others; I confess I do not discover it in any other class of collectors. How much dear old Doctor Sprague did to enlarge the happiness of his brother-collectors!

George William Curtis, that true literary artist, must have been one of the few who realize that it is more blessed to give than to receive, when he parted with the notelet over which I am rejoicing at the present moment:

"My dear Curtis: Who can be the friend who asks for the signature of the unhappy

W. M. Thackeray?"

I do not know who that friend was, but he deserved summary and condign punishment because he asked for a signature only. He who begs for a signature is lost. He has not attained the lowest round of the ladder; he has the same relation to the kingdom of collection as the patent medicine advertisement has to literature or which the lad with his hoard of postage-stamps has to Beverly Chew or to Howard Mansfield. I shall never feel that I have done my duty as a citizen

until I shall have secured the adoption of an amendment to the Constitution making the solicitation of an autograph signature equivalent to an overt act of treason.

Not many of us are fortunate enough to have the help of such assistants as the immortal Autocrat of the Breakfast Table, whose masterpiece, according to Donald G. Mitchell, will go with Montaigne, with the essays of Goldsmith, and with "Elia," upon one of the low shelves where it can be easily reached and where it will always help to give joy in the reading. No one likes to climb steps to get the books he cherishes most fondly. The sweet doctor's letter, in his clear, flowing hand, is under my eyes as I write:

"BEVERLY FARMS, MASS., August 21st, 1879.

"My Dear Longfellow:

I send you a letter of Mr. Frederick Locker with a request which I know you will comply with. The daughter he refers to, as you may remember, married Tennyson's son. If you would have the kindness, after writing the lines marked for yourself, to send the whole letter and all, to Emerson, he to Whittier, and Whittier to me, I should feel in sending back the manuscript that I had made Mr. Locker happy, and that I should be glad to do, for he has shown me much kindness, though I have never seen him. I cannot help the fact that his letter has a few complimentary words about myself—you can skip those, if you will read the rest. Always faithfully yours,

O. W. HOLMES."

I am told by those who knew him that Frederick Locker (later calling himself, for pecuniary reasons, Frederick Locker-Lampson), who wrote the excellent *London Lyrics*, was personally unpleasant, disagreeable, and repellent. But if any man who loves books or the makers of books pauses to ponder over the kindly epistle of our beloved Holmes, his imagination must surely be stimulated when he reflects that it was written by the witty poet and essayist, who is one of our dearest possessions; that it passed through the hands of the greater poet—perhaps not as lovable as the Autocrat—to whom it was addressed; and that it reminds us of the accomplished author, who may have been uncomfortable to meet but who wrote charmingly, and whose interesting *Confidences* recall the literary life of London in his day. It recalls also the daughter-in-law of the great Laureate, and the wonderful New Englanders, Emerson and Whittier, who certainly did not refuse to comply with a request so sweetly made. The most contemptuous reviler of our tribe must confess that such a gentle intervention as that of Holmes gives testimony to the worth and dignity of our occupation.

Not unlike the Autocrat's letter is this one

addressed to Curtis which I am pleased to have in my collection.

"SUNNYSIDE, September 12th, 1854.

"MY DEAR MR. CURTIS:

I hasten to furnish the autographs you request for those two 'enthusiastic, lovely and sensible' young ladies of whom you speak. During the prevalence of the autograph mania it is quite a relief to have such fair and interesting applicants.

Yours very truly

WASHINGTON IRVING.

"GEORGE W. CURTIS ESQ."

It is comical to observe the old bachelor's willingness to oblige pretty girls, as if their requests for autographs were less tiresome than those of the thing called man. But Irving was always fond of feminine society, true as he was to the memory of the one whom he lost in her girlhood.

Another means of obtaining autographs, which may be a sub-head under the title "Gift," is exchange. There was more exchanging done in the earlier days than now. Perhaps the most distinguished instance on record is that one described in the books, when Doctor William B. Sprague, the renowned pioneer in our ranks, parted with the only known letter of Thomas Lynch, Jr., written to General Washington on July 5, 1777. It went to Dr. Emmet in a barter,

practically costing him $700, according to the testimony of Dr. Lyman C. Draper, who published a volume about the signers of the Declaration of Independence and the signers of the Constitution. Lynch, the youthful signer, who was lost at sea when only thirty years old, ranks with Button Gwinnett, of Georgia, as the rarest of the noble company. Gwinnett left no holograph letters, as far as my information goes, but there are several autograph documents of his which are almost as valuable as letters would be. Dr. Sprague had the good fortune to know Judge Bushrod Washington, and obtained his permission to select whatever he pleased from the voluminous correspondence of the General, leaving copies of those he desired to possess. He chose above fifteen hundred, among them the unrivaled Lynch, the envy and despair of modern American collectors who must needs be content with "cut" signatures. It is said that the fortunate owner once refused $5,000 for it, and it is now the property of the New York Public Library.

My literary friend who enumerated four ways of gathering autographs, overlooked inheritance, as well as extortion and exchange. The Leffingwell collection was bequeathed to a niece of the original collector:

part of Dr. Sprague's went to his son, a respected lawyer in New York, who transferred it to the accomplished Albanian and entertaining after-dinner speaker, John Boyd Thacher: T. Bailey Meyers left his large accumulations to his son and daughter, from whom they have passed to join the Emmet collection in the New York Library; and Mrs. Ely, of Providence, who is almost a unique example of a woman-collector, handed down her stores to her daughter and to her grandson. But I question whether an inherited collection ever appeals strongly to the legatee; the taste itself must be inherited, and it does not pass by testamentary disposition.

It is the fate of most collections to be dispersed, and in my copy of Draper's book, I have inserted a letter of worthy old Dominie Sprague, in which he writes, characteristically: "If you happen to have any duplicates, and will tell me what they are, and which you want, I will see if I can accommodate you by an exchange. When I began to collect autographs I was the intimate friend and correspondent of Robert Gilmour, of your city—the first collector I ever knew. But it is long since his collection was sold and, I suppose, scattered to the winds." Gilmour (or

Gilmor) was of Baltimore, and some of his quondam possessions rest now in my own collection, to be dispersed again, I know, in the course of time.

Most of us acquire our autographs as Major General Stanley acquired his ancestors —by purchase; from dealers, from private owners, and from sales at auction. It is said that auction sales of autographs began in London in the early part of the last century, and since 1823 they have been quite frequent not only in England but in Paris, in New York, in Boston and in Philadelphia. It is not at all a romantic or a picturesque way, and one cannot grow very loquacious or gossipy about such purely mercantile transactions. As in the case of books, the auction prices seldom afford any just criterion of value. There may be an enthusiast, bent upon gaining certain items, who will run up the prices to fabulous heights, and again there may be occasions when, by reason of indifference or of inadequate advertising, the finest specimens are knocked down for a trifling sum, but generally to professionals. I never got a bargain in my life; and if an amateur shows himself at such sales he is promptly frozen out by a combination of the dealers. Usually it is better to treat with

one of the regular tradesmen in autographs; the private vender is commonly impossible. The dealer will ask more than his wares are really worth, but we must make due allowance, and as most of us are engaged in other pursuits demanding a fairly constant attention, one ought to pay him for the time he saves us as well as for his expert judgment, and the money is not thrown away. It is curious to observe that some American autographs are very dear in England, and most English autographs are correspondingly dear in New York. This is of little moment to the money-kings who have taken to autograph collecting, and who think nothing of sweeping up a collection of thousands while we humbler disciples are conscious of guilt if we timidly venture a few hundred dollars after much pondering and self-castigation. Yet I believe that he who painfully brings together his beloved scraps piece-meal, by unaided toil and research, derives more pleasure from it than those can realize who purchase at wholesale.

As to theft and extortion, it is well not to go into distressing details. I do not justify the larceny of an autograph letter for purposes of gain, but when I am permitted to browse peacefully in some fat letter-book

appertaining to a Philistine, who knows not the joys of collecting, I am sorely tempted to purloin that which means nothing to him but much to me. Hitherto I have sternly resisted the voice of the tempter.

> Why comes temptation, but for man to meet
> And master, and make crouch beneath his foot,
> And so be pedestaled in triumph.

A confiding friend once admitted to me that he had stolen a set of autographs and years afterward, tortured by conscience, had made restitution to the true owner, who had never missed them. I have forgiven the caitiff who robbed me of a precious manuscript volume in the hand-writing of Madame de Maintenon. I prized it highly, but he must have felt such a strong affection for it that he was unable to fight against the impulse to have it for his own. It was a book of religious reflections, and I hope it will do him good; yet he never can be very happy with it.

The London *Athenæum* observed in 1855 that "the story of what History owes to the autograph collectors would make a pretty book." That book has never yet been written, but I intend to write it in that happy period of life when a man has time to do as he pleases.

RAILWAY REORGANIZATIONS

RAILWAY REORGANIZATIONS

Address before the Maryland State Bar Association, July 26, 1900.

THE honor of an invitation to address a body of representative lawyers of a great State is one which no man can receive without a sense of grateful appreciation. In most instances he is rejoiced to think that perhaps something which he has said or done in the course of his professional life may have attracted some attention or aroused some interest. But on the present occasion the lawyer who appears before you is wholly unaware of anything in the annals of a quiet existence which has entitled him to the privilege of addressing the Association of the Bar of the State of Maryland. You must not regard his expression of conscious unworthiness as merely formal or conventional, for it is sincere. The ordinary, practicing attorney who has seldom strayed from the seclusion of an

office into forensic fields or parliamentary paths may scarcely hope to be able to impart anything in the nature of information or of instruction, anything of interest or of value, to the men who are the legitimate descendants of Daniel Dulaney, of Charles Carroll, "the barrister," and of Samuel Chase, and who trace their professional lineage through Luther Martin, William Pinkney, Roger Brooke Taney and Reverdy Johnson. But it was not easy to resist the temptation to desert for a season the hot and stony streets of a metropolitan city in order to enjoy, if only for a brief period, the charm of the companionship of lawyers who have not suffered the sordid trade-spirit of modern times to dull the brightness of their professional escutcheons and who have preserved so effectively the dignity of professional traditions. Not unfamiliar with the honorable history of the bench and bar of Maryland, asserting a right as a brother lawyer to share in the pride which you must feel in the record of your noble past and your successful present, I ask, and I am sure that I shall receive, your kindly indulgence.

In considering what I may, with your permission, present to you, and mindful of the fact that I can hardly expect to add anything

to your store of knowledge or to suggest to you anything which has not already been fully mastered and comprehended by every one of your number, my thoughts naturally turn to that department of our profession with which circumstances have united to give me a certain familiarity—the department of corporation law. I assume that the speaker of to-day is to talk about some topic connected with the jurisprudence of our country, however dry and juiceless it may be; and I may perhaps be pardoned for saying that I do not know of any subject so extremely dry and so absolutely juiceless as the one which I have resolved to select. Yet there is an interest about it, a contemporaneous human interest, for it touches our pockets as well as our brains.

During the present generation corporations have assumed a degree of importance greater than has ever been attained by mere business organizations. Questions affecting corporate enterprises have become, legally and socially, among the most interesting of our time. The concentration of wealth in the hands of men who control these artificial personalities has seriously affected the course and conduct of modern life. The lawyer, trained in the study of the rules which govern civilized

countries, finds himself face to face with serious problems which not only involve the interests of those for whom he serves as a paid counsellor, but which affect him in a much broader and important relation—the relation which he bears towards the community in which he is, or ought to be, an adviser, a guide, a leader, and an effective force.

It will not, however, in my judgment, be fitting on an occasion like this to enter upon a consideration of the advantages or disadvantages of the growth of corporations or to endeavor to measure the probable effect of these powerful financial combinations upon our national prosperity or upon the ultimate happiness of our people, particularly at a time when the approach of a Presidential election has drawn the subject into the domain of parties and of politics "where wise men fear to tread." We are not likely to arrive at just or accurate conclusions in the midst of the stress and storms of partisan struggles.

I shall speak to you, therefore, only upon some features of technical law which relate to a single class of corporations—our railways—and which pertain to what are known as "railway reorganizations."

The wonderful development of the railways of the United States during the latter half of

the present century has resulted in adding a new department to our systems of finance and jurisprudence. While this new department embraces corporate properties of every description, it derives its importance mainly from its relation to railroads. Railway reorganizations have come to be familiar things. The term "reorganization" may be subject to criticism, for it is not always accurate. As a rule, neither the railway nor the corporation, nor the affairs of the corporation, are "reorganized." A transfer of the corporate property to a new corporation whose evidences of debt and shares of capital stock are distributed under some plan, whereby the creditors, and sometimes the stockholders, of the formerly existing company are permitted to receive interests in the assets of the new company, is a transaction which may be more appropriately regarded as a compromise, settlement or adjustment; although there are instances arising under the statutes of some of the States, and even, as in the case of the Texas Pacific and the Chesapeake and Ohio Companies, and of Maryland's great historic railway, the Baltimore and Ohio Company, where there has been, by consent of all, a voluntary reorganization, or, more properly,

a "recapitalization." Still, it is a comprehensive and expressive term, and the public have adopted it, just as they have adopted the absurd misnomer of "trust," as applied to the great industrial and business combinations of the day. The tendency of the people is to crystallize in a word or phrase some concept or idea which presents itself to them in an undefined and chaotic way, and they choose their symbols without much regard for scientific accuracy.

When the American people began to build railroads, they at once discovered the utility of the corporation, with its capital divided into shares; and not long afterwards they also learned the advantages to be derived from the creation of a bonded debt secured by mortgage. In substance, I conceive that the reason for the introduction of the mortgage as distinguished from the English debenture was that the construction of a line of railway in a growing and expanding country like our own was largely an experiment. The capitalists whose money was to be furnished hesitated, with the characteristic timidity of capital, to put themselves in any other category than that of secured creditors; while the projectors, with the characteristic daring of projectors, were willing to take the risk of

the enterprise and to represent their contributions of energy, skill and ingenuity of device by shares of stock, from which, if successful, they would derive generous profits. It was then believed by the simple-hearted banker and lawyer that a first mortgage on a line of railway afforded to the bondholder a security bearing some analogy, both as to the nature of the lien and the method of its enforcement, to the security afforded by mortgages upon city lots, or farms, or other classes of real property. We have since been instructed by wise and learned jurists that the banker and the lawyer were wholly mistaken. They did not know the law. As they were bound to know it, there is no excuse for their error, according to a well-known maxim. This we shall see later on when we consider some questions affecting the priority of liens.

From the primordial types of share capital and mortgage bonds developed all the bewildering creations of second and third mortgages, prior lien mortgages, general mortgages, income mortgages, terminal mortgages, consolidated mortgages, collateral trust mortgages, extension mortgages, refunding mortgages, first and second, cumulative and non-cumulative, preferred stocks, voting trust certificates—the list grows to stupen-

dous proportions, but it is known to the investors, wary and unwary, of America, of England and of the Continent. Naturally, with all this effective machinery, came insolvency. At first the procedure was simplicity itself. The trustee of the mortgage went into court, or resorted to the ordinary summary power of sale, and foreclosed the equity of redemption of the mortgagor. The stock, to use an expression more forcible and familiar than elegant, was "wiped out." That was the end of it. The unsecured creditor retired to his place of business, charged the debt to profit and loss account, and endeavored to make up his loss by overcharging the successor company. The stockholder went into the market to find some more bargains, hoping by a lucky stroke to "average." But it was not long before there came into the minds of stockholder and of general creditor a sense of the infinite capacity for delay which is afforded by our judicial system. The road to a decree of sale became less smooth and easy. Then, too, it was not uncommon that the men who owned largely of the mortgage bonds also held largely of the shares of stock about to be rendered valueless. Moreover, broad and liberal business views began to prevail, and it was seen that,

as the trouble usually came from the lack of cash resources, it would be only just, and would also tend to aid the bondholders in performing what was often a difficult and burdensome task, if unsecured creditors and stockholders should be permitted to contribute towards the cash requirements of the new corporation, and thus effect some salvage. Out of all these things, and perhaps others which need not be enumerated, grew up the modern railway reorganization, often involving millions on millions of values, the fortunes of the rich, the savings of the poor, the prosperity of thousands of human beings, and even the welfare of communities; to the solution of whose problems some of the greatest men in politics, in finance, at the bar and on the bench have given the most arduous labor, the highest forces of their intellects, and in some instances their very lives.

It is not my purpose to consider reorganizations which are effected by the consent of all the parties in interest, or by a valid voluntary sale of the corporate assets to a new company. These do not often present legal questions of much difficulty. In such cases, as in all reorganizations, the persons who assume to deal with the subject are bound to consider the condition of the property, the

amount of money needed to render it profitable and productive, and the probable earnings and income which may reasonably be expected from its operation under new conditions. They must also cousider the relative values of the existing obligations and stock issues, in order to arrive at a fair distribution of what may, for brevity, be called the new securities. When these practical business matters have been arranged and the assent of creditors and stockholders obtained, the legal process becomes a mere matter of machinery. It is the reorganization through the process of judicial sale which has the principal interest for the lawyer. It would be inappropriate to present anything in the nature of a treatise, for the subject is far too comprehensive. I propose only to comment briefly on some of the legal incidents of such reorganizations.

In the first instance, where all the creditors and the corporation are not acting in unison, the aid of the courts must be invoked for the purpose of preventing the dismemberment of the properties, the waste of assets and the destruction of values which would result from a seizure under various writs and processes at the suit of creditors struggling for preference in a race of diligence.

In the early days of railway foreclosures,

as we have observed, the trustees of the mortgage were accustomed to institute their suit and to make an application for the appointment of a receiver under the well-known rules applicable to mortgaged property. But in course of time it was found that circumstances often rendered it necessary to take prompt action in advance of default in payment of interest or of principal.

Here we come to the first striking anomaly in the administration of equitable rules as applied to railways. Again and again the courts have declared that simple contract creditors of a corporation who have not reduced their claims to judgment and who have obtained no express lien are not entitled to ask for the seizure of the debtor's property and its application to the payment of their debts; and even where the statutes of the State permit such a proceeding in the State courts the Federal courts will not recognize it, because "the line of demarcation between equitable and legal remedies in the Federal court cannot be obliterated by state legislation" (150 U. S., 378, 379). Yet we find that, somehow, within the past decade at least, a half dozen great railway systems have passed into the possession of receivers upon bills filed by complainants without

judgments, without express liens—stockholders, bondholders whose bonds were not in default, general creditors; and where, as in some instances, the assertion of a lien upon income has been made, it is palpably an ingenious device to bolster up an insufficient pleading.

The action of the courts in facilitating such proceedings for the supposed protection of railway properties affords a marked instance of the tendency of judges to introduce into our jurisprudence new rules and principles where it is believed that the interest of the public demands a variance from precedents. When a railway company is in financial difficulties and foresees disaster the managers of the property are fully aware of the existing danger long before open insolvency occurs. The scheme of permitting some creditor having a valid claim to enter a judgment and thereupon, on a creditor's bill, with the assent of the defendant, to obtain the appointment of a receiver of the property, was once a favorite one. But this method of procedure was found sometimes to be of doubtful efficiency; and in one instance the Federal court in Missouri appointed a receiver of the property of the Wabash, St. Louis and Pacific Railway Company upon a bill in equity filed

by the corporation itself against its mortgage creditors. This action was afterwards affirmed by the Supreme Court of the United States.* The grounds upon which the courts assume to proceed in such situations are concisely stated by Judge Shipman in the case of the New York and New England Railroad Company (19 Federal Reporter, 633). He says:

"I am of the opinion that when a railroad corporation, with its well-known obligations to the public, has become entirely insolvent and unable to pay its secured debts, unable to pay its floating debt and unable to pay the sums due its connecting lines, unable to borrow money, and in peril of the breaking up and destruction of its business, and confesses its inability, although no default has as yet taken place upon the securities owned by the orator, but a default is imminent and manifest, a case has arisen where, upon a bill for an injunction against attacks upon the mortgaged property, and a receivership to protect the property of the corporation against peril, a temporary receiver may properly and wisely be appointed."

And in referring to the Wabash case Chief-Justice Fuller says:

*Central Trust Company vs. W., St. L. & P. Rway. Co., 29 Federal Reporter, 618-623.

Railroad Co. vs. Humphreys, 145 U. S., 95, 96, 114.

"We have already seen that the theory of this bill was that an insolvent railroad corporation may, in the public interest and for the benefit of all its various creditors, surrender its property to a court of equity, to be preserved and kept in operation until it can be disposed of according to the several private rights concerned."

Realizing, undoubtedly, that the public nature of railway property constitutes a slender basis for entertaining jurisdiction of a bill filed by the corporation itself or by a simple contract creditor, the Supreme Court has brought forward the consideration that while the corporation might have objected to the jurisdiction and to the appointment of a receiver, yet its express consent waives the defense, and, as the administration of the assets of an insolvent corporation is within the functions of a court of equity and the parties are before the court, the court has power to proceed with such administration.*

A learned and eminent lawyer of Massachusetts, when president of the American Bar Association, took occasion some years ago in his address to that body to criticise such proceedings severely, and contended that they were usually collusive, that they were without

* Hollins vs. Brierfield Coal & Iron Co., 150 U. S., 371, 380.

any proper legal basis, and that they invariably resulted to the disadvantage of the lawful creditors of the company. While the views of Mr. Storey are entitled to great respect, yet I cannot help thinking that his judgment was somewhat influenced by an unfortunate experience to which he had recently been subjected, where he conceived that a serious wrong had been done to his clients through the action of one of our Federal courts. After describing a bill of complaint of the character to which reference has been made, he says:

"In brief, the representatives of the debtor ask that the creditors be deprived of that to which they are entitled, in order to preserve for the debtor property to which confessedly it is not entitled. * * * To disguise the naked effrontery of this position the bills have generally alleged that the public interest will suffer from the disintegration of the system, but if the public interest did not prevent the making of the contracts it should not prevent their enforcement, even if it were possible under the Constitution for courts to take private rights for any such shadowy public use and without any compensation. Practically, however, it may be doubted if there is any foundation for this claim, which certainly has never been established after argument, for no opportunity to litigate it has been given."

In this statement Mr. Storey seems to have gone a little too far. The jurisdiction of the courts to take possession of railroads and appoint receivers in advance of foreclosure proceedings is well established in this country by decisions in the several circuits as well as in the Supreme Court. Mr. Storey did not, perhaps, anticipate the utterance of our highest tribunal which affords a reason for such and some other decisions, viz: that "all judicial proceedings must be adjusted to facts as they are" (174 U. S., 682). He overlooked the fact that "railroad mortgages are a peculiar class of securities" (100 U. S., 605). He did not remember that "foreclosure proceedings of mortgages covering extensive railroad properties are not necessarily conducted with the limitations that attend the foreclosure of ordinary mortgages" (174 U. S., 682). In other words he failed to appreciate the truth that in dealing with railways, especially *extensive* ones, the settled rules of law and practice may properly be disregarded, and the courts are not to be hampered by precedents or authorities. Possibly, small and unimportant railways are still to be governed by the ordinary rules. I am reminded of a distinguished Federal judge who once told me that he would decline to entertain jurisdiction

of a case where the railroad was less than one hundred miles long. In that instance, however, it is only just to say that the remark was a playful one, and that it was not intended to be preserved for the benefit of posterity.

But while Mr. Storey is mistaken in denying the power of the court to do such acts as it may consider to be necessary for the preservation of a railway, without regard to precedent, yet there is much justice in his remarks with reference to the selection of receivers. It is true that the receivers of the property of such corporations should be men of the highest character and ability, and as impartial as the lot of humanity will permit. Yet, it is not easy to establish any general rule which will adapt itself to all cases. One eminent Federal judge, who has recently retired from the bench, always declined to appoint a receiver who had been directly connected with the management of the railway, and yet there are instances where it is for the benefit of creditors as well as of stockholders that the receiver should be a man familiar with the management of the particular property. The evils of which Mr. Storey complains are somewhat exaggerated by him. To the credit of our Federal judiciary, it must be said that instances of improper appoint-

ment of receivers are extremely rare. On the whole, the course recently adopted by Judge Lacombe, in the case of the Third Avenue Railroad Company, is doubtless the most prudent one, and it is to be hoped that it may be followed by judges in all the circuits. In that case a temporary appointment only was made, and all persons interested in the property, whether as creditors or stockholders, were invited to appear on a day appointed in the order, with the right to be heard on the question whether the receivership should be continued, and also as to the person who should be receiver. While it may be true that the security holders are usually scattered and unorganized, yet it must be a very extraordinary case where a sufficient number cannot be brought together, under the summons of a court, to prevent the appointment of an improper person, or, at all events, to obtain the appointment of some satisfactory associate receiver.

The fact that mortgaged lines of railway very commonly extend through many States and many judicial districts sometimes occasions serious difficulty and confusion. It is manifest that some one court must assume control of the litigation and of the property; but the organization of our Federal courts,

where these proceedings are usually conducted, is such that the Circuit Court of one district is wholly separate and distinct from the Circuit Court of any other district. The practice of filing a bill called "a principal bill" in one district and "ancillary" bills in other districts was disapproved and held to be irregular and improper by Mr. Justice Harlan in a well-considered opinion (39 Fed. Rep., 337). Hence came the unseemly contentions of the several courts in the case of the Northern Pacific Railroad, where three or four sets of receivers struggled for the posesssion of the property, to the lasting injury of the unfortunate bondholders and shareholders. It was not until the Justices of the Supreme Court, in a somewhat informal and, perhaps, a summary fashion, interfered to quell this judicial turmoil and controversy, that order was evoked out of chaos and the scandal swept away. It is clear that either judicious legislation should be secured or that some controlling decree of the Supreme Court should be obtained to prevent a repetition in the future of this undignified and inexcusable strife of judges for patronage and power. I refer to the Northern Pacific case as a striking example. There have been other cases, and unless some wise action to prevent it

shall be taken by Congress or by the court of final jurisdiction we shall again and again be subjected to similar experiences, which can result only in bringing discredit upon our courts and disgrace to the administration of justice.

When the railway has passed securely into the possession of the court, the prospective reorganizers encounter the problems connected with the debts of the receiver and with the attempts of general creditors to obtain a preference over the mortgage liens.

Every one is familiar with the "receiver's certificate." So far as it is a mere evidence of indebtedness, entitled to payment only out of the income of the property, it is undoubtedly harmless, and the authorization of such certificates is a legitimate exercise of the power of the court in the protection and preservation of the trust fund in its hands. But usually the court directs that the indebtedness evidenced by the certificates shall constitute a first lien upon the entire property, income and franchises of the corporation, and relegates the first mortgagee to a secondary position. It has been well said by a wise and prudent commentator that this dangerous power, unlimited by any statute or constitution, by the exercise of which the solemn

obligations of the mortgage contract are impaired and a large portion of the mortgage security diverted, cannot be sustained upon any just principles of legal reasoning. Yet this power is so well established by authority that its existence is no longer open to question. The Legislatures of our States, who are supposed to be exponents of the people's will, must perforce respect contract rights, but the Chancellor is under no such obligation.

The attempt is usually made, and sometimes successfully, to obtain the consent of the mortgage creditors to this displacement of their security. As in most instances it is impracticable to procure the consent of the holders of the bonds, it is sought to bind them through the act of the trustee of the mortgage.

It has been suggested in essays, monographs and addresses on several occasions that the trustees of corporate mortgages are in a measure indifferent to the obligations of their trusts; that their representation of bondholders is nominal only, and that they are frequently more inclined to accede to the wishes of the debtor corporation, by whom they were originally appointed, rather than to serve the interests of the owners of bonds

for whom they are trustees. According to my observation, these criticisms are unjust. There may be cases where individual trustees —and by that term I mean natural persons and not trust companies—have allowed themselves to be used as the instruments of the persons interested adversely to the bondholders, but trust companies generally are extremely careful to preserve in every practicable way the rights of the holders of the bonds. The difficulties which surround them are scarcely appreciated either by the courts or by the public. As a rule, the trustees occupy solely a trust position, and are not owners of the bonds themselves. The security holders are scattered, they know little of the situation of the property, and they are unknown to each other. When the trustee is summoned by the court to show cause why an issue of receiver's certificates should not be authorized, and is told by counsel for the petitioner or for the receiver, or frequently by the judge himself, that such an issue is necessary to maintain the integrity of the property, or to put it in safe order and condition, or to make repairs which are demanded by the public interest, or to complete construction work, what is the trustee to do? Time is not afforded to ascertain the wishes of the

bondholders, a difficult task at the best unless the powerful aid of the court itself is invoked to call the bondholders before it. If the trustee opposes the petition he is forced into a controversy, which is usually distasteful to the court, and, moreover, may be in the end injurious to the property. If he asks the court to defer action until investigation may be made, he is told that the matter is pressing and must be decided at once. On one occasion the trustee was informed by the judge that it might object if it chose, but that the certificates would be issued notwithstanding any such objection. The judge acted wisely. He had made up his mind that the necessity existed; he was protected by the judicial panoply, and he did not attempt to avoid responsibility by imposing it upon a trustee having no such protection.

But the most amazing exercise of the power of the court in this regard may be found in what is known as the Illinois Midland case (117 U. S., 434), where the trustee of one of the prior mortgages never received any notice of the application, and was not a party to the suit. The receivership was instituted under a judgment creditor's bill, and afterwards foreclosure bills were filed which were consolidated with the creditor's suit. No

order was entered in the foreclosure suits appointing the receiver. Eighteen different series of receiver's certificates were issued in order to pay claims of almost every conceivable character. All these certificates were decreed to be prior liens upon all the property of the company, and it was held that the consent of neither the bondholders nor of the trustee was necessary, because they knew that the road was being operated by the receiver, and although the interest on the bonds was in default they had not instituted proceedings to enforce the mortgage.

The conclusion cannot be resisted that some salutary restrictions should be placed on the exercise of this extraordinary power, and respect for vested contract rights demands that such rights should not be destroyed without ample investigation and full opportunity to be heard on the part of all persons having an interest in the fund. It is not difficult to give public notice by advertisement of the intention to consider the question of the creation of receiver's prior-lien certificates, and to afford to bondholders, shareholders and general creditors an opportunity to present to the court all the considerations bearing upon the subject. This was the method of procedure suggested by Judge Lacombe in the Third

Avenue Railroad case, and it is worthy of imitation.

A more serious question arises with respect to the payment, in preference to the mortgage bonds, of debts incurred by the mortgagor for labor performed and for materials and supplies furnished prior to the receivership. Here again the Federal courts have established the doctrine that in the exercise of their equitable powers they may displace the mortgage lien and apply the funds properly belonging to the mortgagee in order to pay and discharge the claims for labor, equipment and material, as well as car rentals, and even fees of counsel.

The State courts have been reluctant to go to the same extent. In New York, when it was sought to provide for the payment of labor claims by giving them a preference over mortgages—a request seldom, if ever, refused by a Federal court—the Court of Appeals said:

"The argument in its support is that the value of the mortgage lien has been enhanced by the labor of the workman. It is easy to see that under such a plea the lienor might be entirely defeated, and the foreclosure of his mortgage rendered inoperative and useless. Such a result, except upon his consent, the courts have no power to sanction" (103 N. Y., 245).

But the public character of railroad corporations is again invoked to sanction the substitution of what some judge or set of judges may think to be for the public benefit, in place of that "collection of principles to be found in the opinions of sages, or deduced from universal and immemorial usage, and receiving progressively the sanction of the courts" (Kent, Lecture xxi.), which we call "the law." It cannot be denied that much may justly be said in favor of the protection of laborers, servants and materialmen under certain conditions, even at the expense of the mortgagee. The argument of Judge Caldwell in the Kansas City, Wyandotte and Northwestern case (53 Federal Reporter, 182)* is certainly a vigorous and forcible exposition of his long-established conviction that the rights of the holder of a railway mortgage bond have priority over no other rights except those of stockholders. Whatever may be said of his reasoning, which seems to be a remarkable medley of good sense and nonsense, we are compelled to recognize the fact that the Federal courts, after a fashion and in a shifting, vague and uncer-

*Strongly disapproved by JENKINS, J., in Farmers' Loan and Trust Co. vs. Northern Pacific R. R. Co., 68 Fed. Rep., 36.

tain way, do about what they please in arranging the order of payment of railway debts.

The just cause of complaint which we are entitled to present to the judges of the courts is that no settled rules have been established by which we may test the right of a general creditor to a preference over the bondholder. Judge Caldwell's rule, that all general creditors are entitled to such a preference, has the merit of being comprehensive, but it is not followed by any other jurist, except possibly by Judge Hanford, of the District of Washington, and the Supreme Court has done little more than to tell us that it will act as the particular circumstances of the case seem to require.

One may search the reports from Fosdick vs. Schall (99 U. S., 235) to Lackawanna Co. vs. Farmers' Loan and Trust Co. (176 U. S., 298) without finding any definite principle established, unless it be that the court possesses the power, whenever it sees fit to exercise it, to take from the mortgage creditor the income, and even the principal fund belonging to him, for the purpose of applying it to the payment of unsecured claims. Let any one compare the decision in the Lackawanna case with the case reported immediately before

it (176 U. S., 257) and try to reconcile the two decisions and he will be forced to "give it up." The Supreme Court says:

"This court has uniformly refrained from laying down any rule as absolutely controlling in every case involving the right of unsecured creditors of a corporation, whose property is in the hands of a receiver, to have their demands paid out of net earnings in preference to mortgage creditors" (176 U. S., 285).

There is even no certain ground presented upon which the power is said to rest. In the leading case* it is suggested that the income upon which the mortgagee was entitled to rely was only the net earnings, and that in accepting the security he impliedly agreed that current debts made in the ordinary course of business should be paid from current receipts before he should have any claim upon the income; and if earnings had in the past been used to pay the interest on the bonds, or to provide additional equipment, or to make lasting and valuable improvements, which ought in equity to have been employed to keep down debts for labor, supplies and the like, it was within the power of the court to use the income of the receivership to discharge such obligations. But in that case there was

* Fosdick vs. Schall, 99 U. S., 235.

not the slightest evidence that any income had been diverted either by the company or by the receiver, and the question of diversion does not appear to have been argued by counsel.* It was also suggested that a court of chancery, when asked by railroad mortgagees to appoint a receiver pending foreclosure proceedings, might, in the exercise of a sound judicial discretion and as a condition of issuing the necessary order, impose such terms in reference to the payment from the income of the receivership of outstanding debts and labor supplies, equipment or permanent improvement of the mortgaged property as might "under the circumstances of the particular case appear to be reasonable."

In accordance with this purely *obiter* remark, one of our learned Circuit Judges, who has gained the distinction of being the self-constituted guardian of general creditors, and whose denunciation of bondholders has been frequently more lurid than wise, adopted the custom of making the appointment of a receiver conditional upon the payment of all unsecured indebtedness in preference to the mortgage liens sought to be enforced, although protesting quite loudly that it was not really necessary, because the court had

* High on Receivers, 370.

power to apply admiralty rules to instrumentalities of land transportation.

With respect to this the Supreme Court said:

"Can anything be conceived which more thoroughly destroys the sacredness of contract obligations? One holding a mortgage debt upon a railroad has the same right to demand and expect of the court respect for his vested and contracted priority as the holder of a mortgage on a farm or lot. * * * No one is bound to sell to a railroad company or to work for it, and whoever has dealings with a company whose property is mortgaged must be assumed to have dealt with it on the faith of its personal responsibility and not in expectation of subsequently displacing the priority of the mortgage liens."*

Yet the same court which made this declaration is found nine years afterwards saying:

"We have held in a series of cases that the peculiar character and conditions of railroad property not only justify, but compel, a court entertaining foreclosure proceedings to give to certain limited unsecured claims a priority over the debts secured by the mortgage. It is needless to refer to the many cases in which this doctrine has been affirmed. It may be and has often been said that this rule implies somewhat of a departure from the apparent

*Kneeland vs. American Loan and Trust Co., 136 U. S., 89, page 97.

priority of right secured by a contract obligation duly made and duly recorded, and yet this court, recognizing that a railroad is not simply private property, but also an instrument of public service, has ruled that the character of its business and the public obligations which it assumes justify a limited displacement of contract and recorded liens in behalf of temporary and unsecured creditors. These conclusions, while they to a certain extent ignored the positive promises of contract and recorded obligations, were enforced in obedience to equitable and public considerations."*

It will be observed how much stress is laid upon the fact that the unsecured claims and the displacement of the contract rights are "*limited.*" But what limit has the court ever placed upon the exercise of its power in this behalf? There have been cases where the court has refused to give a preference to the unsecured claim, but this has not been because of any particular rule established by the court. "The decision in each case has been more or less controlled by its special facts" (176 U. S., 315). No counsel may, with any confidence, advise a client whether or not his demand comes within the class which the court will recognize as entitled to priority. No counsel may, with any confidence, advise

*174 U. S., 682.

a reorganization committee as to what moneys they will be required to furnish in order to satisfy preferential claims. This condition of doubt and uncertainty should be removed. Some fairly comprehensive rule should be established, and it should be followed in all the Circuits. It may be that "no fixed and inflexible rule can be laid down for the government of the courts in all cases" (99 U. S., 254), but no one asks for such a rule. The fact that one cannot do a thing perfectly does not prevent one from doing it as well as he can. When we are told that there can be no *rule*, we are told in substance that there can be no *law*.

Where a body so learned and august as the Supreme Court of the United States has been unable or unwilling to formulate any method by which to test the right of an unsecured creditor to a preference over a lien creditor, it would be presumptuous on the part of a mere practicing attorney, laboring under the disadvantage of being a seeker after truth without the power of declaring effectively what is the truth, to suggest what such a method should be. But at all events it should prevent a manufacturer of steel rails who was or should have been fully informed respecting the mortgage debts of a railway company,

and who sold to that company when it was trembling on the verge of insolvency, from exacting payment in full out of the trifling fund to which the hapless widow or executor or trustee who had innocently invested money in the mortgage bonds is obliged to resort in order to save a small fraction of the investment. It should recognize the fact that one who lends money, the product of labor, may have some slight equitable right to demand that the proceeds of his security shall be applied to his use and not diverted to that of another who was willing to sell at a profit supplies—no more a product of labor than the money loaned—or to do work, without taking any protective security, the debtor being wholly without credit in the financial world. It should discriminate between cases where the work performed or the materials furnished were manifestly necessary for the safety of the public, and cases where there was no real and substantial emergency. There is no sound reason for putting a premium upon heedlessness, carelessness and indifference.

The Legislatures of many of the States have, it is true, devised in their wisdom statutes intended to deal with the problem, but it cannot be said that they have exhibited any

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broad, comprehensive or intelligent judgment in framing these laws. There is no uniformity about them. The different States are unable to agree upon the method of adjusting the respective rights of creditors. With the courts confessing inability to enunciate any principle and the Legislatures laboring in confusion, we are confronted with a jumble on the one hand and a blank on the other. The situation is by no means creditable to the science of jurisprudence.

After the reorganizers have given up the task of guessing at what the courts will decide upon the question of prior and preferential claims and have indulged in the delusive hope that there may be a few general creditors who are not to be paid in advance of "secured" creditors, they begin to estimate the amount needed to rehabilitate the property and to endeavor to ascertain with reasonable certainty the true value of the existing bonds and shares of stock in order to give to their owners a fair proportion of the new securities. Money must be supplied and who is to supply it?

Naturally, the owners of the stock of the insolvent company are expected to make some contribution of money as a condition of receiving an interest in the reorganized

company. It is customary to refer to this contribution as an "assessment," but the term is neither accurate nor descriptive. The stockholder merely buys an amount of the new securities proportionate to his holdings of stock. This apparently innocent method of procedure has been subjected of late to some judicial criticism, although it is doubtful whether the court intended to condemn the mere admission of the stockholder and exclusion of the general creditor in the absence of fraud or collusion.* The decision has been the cause of grave uncertainty in the minds of the profession.

It is not disputed that bondholders may lawfully agree with other bondholders to purchase the mortgaged property at the foreclosure sale, and deal with it as the owners after they have acquired the title. It is not disputed that the stockholders may agree with other stockholders to bid at the sale, and if they succeed in their efforts they may "reorganize" without objection. The general creditors may also combine, and if they are able to outbid their competitors, they too may "reorganize" in their own way.

It would seem, as well as may be ascertained from the opinion of the court in the

*The "Monon" Case, 174 U. S., 682.

"Monon" case, that if the bondholders and the stockholders come to any understanding *before* the sale, a wrong is perpetrated upon the excluded general creditor. That much injured person has been in some way defrauded. It is true that he has not been deprived of any contract right. He has not been excluded from the right to attend the sale and bid upon the property an amount sufficient to pay his claims. But, nevertheless, he has been defrauded because railway properties are peculiar, because it is not easy for general creditors to combine together, because railways are usually bought by the parties in interest, and because when bondholder and stockholder join it is impracticable to compete with them.

The proposition thus asserted, although in a qualified way, by the Supreme Court, does not appear to be sustained by any well-considered authority, and it certainly tends to unsettle what was formerly supposed to be the law. If maintained to its full extent it will render it exceedingly difficult hereafter to reorganize any railroad property in an embarrassed condition.

A fraudulent conspiracy between bondholders and stockholders to bring about a default in the payment of the interest on the bonded

debt, a foreclosure of the mortgage and a subsequent recapitalization in which the stockholders may obtain an interest to the exclusion of unsecured creditors, might justly receive judicial condemnation (R. R. Co. vs. Howard, 7 Wallace, 392). But where the company has become insolvent, where the mortgagees have the right to foreclose and have exercised that right, and even where the defendant corporation has expedited and facilitated the mortgagee in the assertion of that right, there should not be any imputation of fraud or impropriety in the enforcement of the security and the vesting of absolute title in the purchaser at the foreclosure sale, notwithstanding the fact that the motives and intention of the parties may have been to effect a reorganization in which the stockholders of the debtor company should receive a benefit (Dickerman, Trustee, vs. The Northern Trust Company, 176 U. S., 193).

An agreement between creditors of an insolvent to buy in the insolvent's property at a judicial sale and then to give to the insolvent himself, or to set apart for his benefit, an interest in the property purchased is neither illegal nor void as contrary to public policy.*

*Bame vs. Drew, 4 Denio, 287; Wicker vs. Hoppock, 6 Wallace, 94–98; Shoemaker vs. Katz, 74 Wis., 374.

Nor is there anything illegal in an agreement, made in good faith by the bondholders of an insolvent railroad to buy in its property at a foreclosure sale and then to give to the stockholders of the former company an interest in its property, either for a consideration or without consideration.

Under the authorities such an agreement does not operate to cause any restraint in bidding. A creditor and his debtor may contract that at public sale, where all are permitted to compete, the creditor shall buy the property and afterwards apply a part of it to the debtor's benefit. There is nothing illegal or invalid in such a contract. It does not operate to depress the property or to cause it to be sold for less than its value. It is only a lawful means of protecting the property from sacrifice.*

It is not easy to see why, if a part of the whole number of creditors may join in buying the debtor's property at a judicial sale, and then give to the debtor a share in the estate, they may not agree in advance so to do. "How does an antecedent agreement to do a perfectly lawful act render it fraudu-

*Penn. Transportation Co.'s Appeal, 101 Penn. St. 576; Central Trust Co. vs. U. S. Rolling Stock Co., 56 Fed. Rep., 5; Paton vs. R. R. Co., 85 Fed. Rep., 838.

lent?" asks the Supreme Court of Pennsylvania.* The right to participate in the benefit of the reorganization comes to stockholders not by virtue of their right as holders of stock, but purely from the grace of the prior lien creditors, who have, in the absence of fraud, the power to give to whom they please an interest in the purchased property.†

These considerations were not presented to the Supreme Court upon the argument of the case to which reference has been made, because it was not supposed that they were pertinent to any question arising upon the record in the cause. It is to be hoped that when, if ever, the precise point is brought again before that court the subject will receive a thorough reexamination in the light of all the precedents and with facts instead of conjectures, upon which a definite decision may be based. As it stands now, it is not exaggeration to say that the Supreme Court has simply placed a dangerous weapon in the hands of those guerillas who hang about the outskirts of reorganizations and endeavor to levy tribute

* Kurtz vs. R. R. Co., 187 Penn. St., 59.

† Dow vs. Iowa Central Ry. Co., 144 N. Y., 426–430; Ferguson vs. Ann Arbor Ry. Co., 17 N. Y. App. Div., 336.

as a condition of abating the nuisance of their presence.*

Among those who are not well acquainted with the subject, there is an impression that the men who perform the work of reorganizing railway corporations are more concerned about their own profits than they are with regard to the interests of the bondholders and stockholders. The impression is, however, without foundation. In most instances the members of the committees are fully mindful of the obligations of their trust. The fact is that honesty and good faith usually prevail among those men who assume the task, often inadequately rewarded, of rehabilitating railroad properties. The great "reorganizers" of Wall Street are in truth and in fact honest and straightforward men. They are paid, of course, for their labor and trouble; no one could reasonably expect them to devote their time, their energies, their skill, and their acquaintance with the laws of business, to the benefit of others without receiving the same just compensation which professional men receive for similar services. But

*Since this was written Mr. Justice Woods has, in a carefully considered opinion, based upon the facts of the "Monon" case as developed upon the hearing before the Master, reaffirmed the validity of the proceedings.

there are others who imitate the methods of the honorable bankers, who ape their style, who rely upon the gullibility of the innocent investor, and these men should be closely observed, and their schemes should be carefully scrutinized. In this field, as in every field, the character of the leaders and promoters deserves careful consideration. Those who are entitled to trust and confidence should receive it; but, after all, it is a matter of trust and confidence, and the public must place that confidence wisely or suffer the consequences of error and mistake.

The great evil which seems to me to be the one most deserving of condemnation in connection with railways, as well as with industrial and other corporations, is that of overcapitalization. Many thoughtful men regard with alarm the suppression of competition which they say comes from the multiplication of great companies. I cannot share in their apprehensions. Modern business had its beginnings in the monopolies granted to such corporations as the East India Company. Whatever makes the necessities of life, or the conveniences of life, cheaper and easier to obtain, enures to the benefit of the community. The outcry against system, administrative economy and judicious restriction of expendi-

ture is not unlike the unreasoning clamor against the introduction of machinery in our manufactures and upon our farms. Mankind has found all these labor-saving devices a source of benefit to the world, a potent factor in the development of civilization. The harm which is done to men by corporations does not arise from the mere existence of such combinations, nor from their practical operation as unified forces.

While temporary inconvenience may be caused in some instances by the fact that only a few men may be required to do the work which many men were formerly engaged to do, yet the saving of labor and the cutting off of unnecessary industry must, by all the laws of political economy, contribute to increase the prosperity of the world at large. The mischief is done by the unwise expansion of the evidences of debt and of the evidences of interest in the corporate properties. It leads to extortion, to speculation and to ultimate ruin. Let our legislators frame laws not to discourage legitimate combinations, but to restrict their issues of stocks and of obligations within reasonable bounds. They have made attempts to do so, but generally in a feeble and ineffective way, because, I fear, they have often striven to appear to give

protection to the public without any real or sincere intention to accomplish that result. Let our reorganizers recognize the fact that the multiplication of "securities" only leads to renewed insolvency and to the ruin of investors. In recent years they have come to appreciate this truth; and I am glad to say that I believe the day has gone by when it is thought that the way to rehabilitate a corporate property is to increase the burdens upon it. It seems to be probable that the time will soon come, if it has not come already, when railway reorganizations will be few and far between, and the many pages of treatises and reports devoted to these topics which now fill our libraries to repletion may soon become as obsolete as those of the quaint old volumes which treat of fines and recoveries, of casual ejectors, and of trials by wager of battle.

There are many other features of railway reorganization which tempt one to wander further over the broad field of discussion, but the temptation, like most other temptations, must be resisted. A young lawyer in Florida once wrote to me asking what books he should read in order to become familiar with what he called "corporation law." I told him that he had better read them all. But

after mature reflection I am satisfied that, so far as reorganization is concerned, the reading of books and the study of cases is of minor importance as compared with a thorough acquaintance with the methods and the machinery of what is known as "finance." You will not find, between those covers of that underdone pie-crust color which seems to be sacred to the law, so much of value as you will find in the book of human nature, which is open to all, but whose secrets are revealed more fully to the man who has been trained in the school of experience than to one who merely reads as he runs. Those who give their time and their thoughts to the work of readjustment of corporate interests learn that they are most often sailing on an uncharted sea. Precedent vanishes before the iconoclasm of practical judgment. That which is supposed to be firmly established by a long line of judicial utterances is soon discovered to be inapplicable to the state of facts presented when the railway is brought into the forum where the judges control. We can only conjecture what the courts may think of our case. We can only satisfy ourselves fairly that what we are aiming to accomplish is just and reasonable. We may, however, rest assured that in the fight which has been

waged so long and persistently between business necessities and statutory law and the decisions of judges the contest will, in the long run, be decided in favor of "business" as it has always been decided in the past. Until we shall possess the blessings of communism, until property rights shall have become the plaything of popular prejudices, until the rewards of industry and labor shall have been made to be of no value, we may be certain that the common sense and the integrity of our courts will, in spite of occasional aberrations due to fortuitous circumstances, render substantial justice to all and give to each and every one that to which he is entitled as a citizen of a country whose government is constitutional and under whose laws the rich man is entitled, in theory at least, to the same rights as those which are accorded to the poor.

I fear that I have already trespassed too long upon your patience, yet I cannot close without saying a few words about some things which pertain to our profession.

It is to be lamented that the tendency of the day is to commercialize, if I may coin that term, the noble science of the law. In our great cities especially we find the practice of law largely degenerating into a sort of trade,

where the influence of the almighty dollar appears to dominate the bar rather than the spirit of those lofty ideals which animated the great lawyers of past generations. We find, for example, men persistently violating our long-established canons by a reprehensible method of self-advertisement.

Yet, perhaps it is in accord with the spirit of the day. In these times the keenness of competition is felt in every branch of trade, of commerce and of intellectual labor. As the complexity of civilization increases, as its manifold forces are developed further and further, the struggle for existence becomes more and more intense, and it goes on at the bar as well as in all the varied pursuits of life. Yet I am rejoiced to say, for the credit of our fraternity, that many of the old habits and tendencies which were once a reproach to the bar have disappeared as completely as the Court of Exchequer and the ancient order of Sergeants at Law. It may have been partially true fifty years ago, as Dickens, with that exaggerated emphasis for which he is noted, has said, "that the one great principle of the English law was to make business for itself;" and upon that assertion he built up the formidable indictment against chancery and chancery practice which you will find in

the pages of *Bleak House*. But such an indictment would to-day be thrown out by any grand jury of the vicinage. The "making of business" by the promotion of litigation, the multiplication of papers and proceedings, the prosecution of frivolous appeals, belongs, if it belongs to any, to the very dregs of the profession, who bear the same relation to the bar which the cowardly deserter bears to the tried and faithful soldier.

The popular idea about the lawyer is that his great, and, indeed, his principal function is in the trial of causes before courts and juries. It is true that this is an important branch of the profession; that it affords the most conspicuous field for the exercise of the highest powers of the intellect—the acuteness, the mental grasp, the mastery of men, the clear and convincing eloquence which go to make up the great advocate; and notwithstanding the manifold changes in the prevailing methods of thought and action which have caused many to believe that the days of the great speakers have passed away, and that the reign of King Orator has given place to the reign of King Editor, there are to-day, in Maryland and in New York, advocates, whose names will readily occur to you, as persuasive as Sir James Scarlett, as powerful

as Daniel Webster, and as eloquent as that elder Choate, of Massachusetts, whose tradition is already dimmed by the lustre of our honored representative at the Court of St. James. Still, very often, one is tempted to say of some of these forensic displays which so gladden the souls of the newspaper reporters what Sidney Bartlett, of Boston, said of one of Roscoe Conkling's turgid and inflated speeches, paraphrasing the famous criticism on the Charge of the Light Brigade at Balaklava, "It is magnificent, but it is not *law*." After all, the trial and test of the useful lawyer comes not so much in the glare of the forum as in the daily work of conference and counsel in the quiet of the consultation room. It is there that the puzzles of life are presented and studied and solved. It is there that the terms and provisions are settled of the contract which is to make or mar a fortune. It is there that are thought out the moves in the great game of chess, which mortals are always playing. It is there that the plans are devised, considered and adopted upon which the battle is to be fought, the campaign conducted. The man of the court room may be —indeed, he is—the man of power and the man who draws to himself the attention, the admiration and the applause of the public;

but the work which tells, the work which endures, is the work of the office, the library and the study.

I have no doubt that all of us at times have deplored the disposition on the part of men generally to be humorous and sarcastic at the expense of members of what are called "the learned professions." I have often thought seriously of this tendency to jest at the men who are the trusted advisers of their fellowmen with regard to their business, their health and their religion. As the accomplished editor and author, whose loss we all lament, the late Irving Browne, remarked, in his book on *Lawyers and Literature*: "To call a clergyman a hypocrite, a physician a murderer, and a lawyer a liar has long been one of the favorite amusements of a numerically considerable part of mankind." You find the mechanic who cannot comprehend how a man can be of use unless he toils with his hands, the merchant who does not scruple to get the better of a customer in the barter and trade which make up his life, and the stockbroker who derives his princely revenues from a pursuit which some people perhaps rather harshly compare with one against which our police regulations are extremely rigorous, all disposed to fling their sneer against the man

who they say will espouse any cause if he is paid to do it, and impoverishes his clients in his insatiate greed for what they term "fat fees."

But these men, I have observed, are devotedly trustful towards their own particular legal advisers, just as they are towards the doctor who attends to their precious health and towards the minister who looks after the welfare of their immortal souls. So I am sure that it is a mistake for us to resent their witticisms upon us. We know that, in spite of the caustic comments of the lay brotherhood, they must have us, and they demonstrate our value by choosing for their rulers and their legislators the men of the law. I venture to say that, wherever you find the forces of civilization at their highest, wherever you find freedom, sound government, true manhood triumphant, you will find the lawyers predominant.

There is a question whether the duty of the lawyer demands that he should take an active part in politics. I think that the dignity and influence of the bar have invariably suffered while individuals may have reaped advantage from engaging in the strife and competition of political life, and at the same time I cannot deny that the man who devotes his

life to the study of the rules which lie at the foundation of the social organism, ought, in all reason, and in the discharge of his obligations towards his country, to take his share of the burdens and responsibilities of government. If the lawyer feels that the duty he owes to the commonwealth requires him to sacrifice his ease, his comfort and his profit to the gods of politics, he must remember that he must have principles of his own and a sense of right and wrong for his guidance. He need not manufacture for himself a new set of political opinions; he need not stand aloof from party organizations as one specially conscientious or pre-eminently honest; but he should attach himself to no party which is wrong in essential things or which stands for principles which his conscience cannot approve. Giving little heed to popular clamor, he should always remember that whatever may be the present current of public opinion, it will eventually hold him responsible for his own acts.

My brothers, in the every-day work which you and I have to perform, it is the adapting of principles to the facts of our case which is the task we are compelled to execute. We come in contact with the events, the incidents, the complicated situations of life. It is not

what the theoretical rule is, but the fitting of that rule to our client's case, which affords the principal problem for our solution. The multiform manifestations of the life of the times present to us the shifting surface upon which we must engrave our lines and our inscriptions. We cannot afford to rest with the knowledge which we have gained in the study, but we must add the experience which we acquire in the workshop. In the words of a great lawyer, "Unless, like the pious and fanciful enthusiast in *Old Mortality*, we occasionally deepen the letters of the inscription, they will soon be overgrown with moss and lichen, wear away by exposure, and leave not a trace behind of what was designed to be engraved for a perpetual remembrance." Haste and heedlessness will not bring fame or usefulness. One night in the blast furnace will make mountains of slag, but pearls grow and diamonds crystallize after long years—years which often seem slow and tedious, but which lead to the crowning glory of pure and perfected wisdom.

I am loath to close. What Lincoln called "the mystic chords of memory," stretching back to the days of youth and of ambition, vibrate with peculiar melody. I feel that it would be a glorious thing to begin over again

the lawyer's life in the light of the experience which has come to all of us who are of my own years. What could we not accomplish? How faithfully would we pay the debt we owe to our profession! We have realized that the law is no "lawless science," no "myriad of precedent," no "wilderness of single instances," but the perfection of reason, the last result of human wisdom, a structure built upon the broad foundations of principle. May we always be her worthy exponents, and may we demonstrate to mankind that "the seat of the law is the bosom of God; her voice the harmony of the world."

21.I.29.

WILLIAM HARRISON AINSWORTH

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NOT long ago I became the possessor of a considerable number of autographic relics of William Harrison Ainsworth, including a memorandum book and a manuscript volume containing an account of his travels in Italy in 1830, dedicated to his wife, with a poem; some letters from George Cruikshank to him; thirty-six pages of the draft of his most famous novel, "Jack Sheppard;" and more than two hundred of his own holograph letters. The collection is full of interest to those who retain a recollection of one who in his day enjoyed a wide popularity as a literary man and especially as a novelist. Critics, reviewers, students of literature, and readers exceptionally well informed, are usually inclined to resent the assertion with respect to any writer once eminent, that he is substan-

tially forgotten. It is safe however to say that if we regard the millions in this country whose literary pabulum is composed chiefly of works of fiction or occasionally of biography and history of the lighter sort, as the reading public of America, the name of Ainsworth is at this day by no means familiar in the United States. There are, of course, many book-owners who keep his "Works" upon their shelves and know the backs of the volumes; and some of the omnivorous have doubtless read "Jack Sheppard," "Crichton," and perhaps "Rookwood." Yet thousands who are well acquainted with their Scott, their Dickens, and their Thackeray, would be sorely puzzled if they were asked to tell us who Ainsworth was, and exactly when he lived, or to give a synopsis of the plot of a single one of his numerous stories — and he has been dead only a little over twenty years. Nor is the indifference to him limited to general readers or to America. Allibone gives him but fourteen lines of biography, mostly bitter censure, with a few words of qualified praise for such historical tales as "St. Paul's" and "The Tower." Chambers' *Encyclopædia of English Literature* begrudges him twenty-nine lines of depreciative comment, conceding to him dramatic art and power, but denying

to him "originality or felicity of humor or character." He is not even mentioned in Mr. Edmund Gosse's *Modern English Literature*, nor does Taine condescend to give his name. Yet there was a time when he was esteemed to be a worthy rival of Charles Dickens, and when in the eyes of the critics and of the public he far outshone Edward Lytton Bulwer.

In a note to the sketch in the *Dictionary of National Biography*, Mr. Axon says that "no biography of Ainsworth has appeared or is likely to be published." The fact is correctly stated, but the prediction may not be fulfilled. A devoted admirer of Ainsworth is now engaged in the preparation of a biography, and he tells me that he has been aided by my autographic collection. I do not give his name, for he probably prefers to make the announcement at his own time and in his own way. The only published records of Ainsworth's life which have come to my knowledge are, a brief memoir by Laman Blanchard, which appeared in the *Mirror* in 1842 and was reproduced in later editions of "Rookwood;" a chapter in Madden's *Life of Lady Blessington;* a sketch by James Crossley contributed to the Routledge edition of the *Ballads* in 1855; an account of him by William Bates, accompanying a semi-caricature portrait in

the *Maclise Portrait Gallery;* and the article of Mr. Axon to which I have referred—an article as just and as comprehensive as are most of those which appear in the great *Dictionary.*

II.

Ainsworth was born in Manchester on February 4th, 1805. His family was "respectable" in the English sense, for his grandfather on his mother's side was a clergyman and his father a prosperous solicitor. It was from the mother that he inherited in 1842 some "landed property," to use another distinctively English phrase, and it is amusing to observe the pride of Madden when he boasts that Ainsworth's name appears in *Burke's Landed Gentry.* He attended the Free Grammar School in Manchester, where it is said that he was proficient in Latin and Greek, and as he was expected to succeed to his father's practice, he became an articled clerk in the office of Mr. Alexander Kay, at the age of sixteen. He was a handsome boy, full of ambition, but his ambition did not lead him in the dull and dusty paths which solicitors tread. He had already written a drama, for private production, which was printed in *Arliss's Magazine,* and a number of sketches,

translations and minor papers for a serial called *The Manchester Iris*, and he subsequently conducted a periodical styled *The Bœotian*, which had a short existence of six numbers. Before he was nineteen he was a regular contributor to the *London Magazine* and the *Edinburgh Magazine*. Some of these youthful efforts were afterwards collected in "December Tales" (1823) which contained also papers written by others; the "Works of Cheviot Tichbourne" (London, 1822, Manchester, 1823); and "A Summer Evening Tale" (1825). The "Tichbourne" book of verses (the name is spelled in divers ways by the several authorities) was dedicated to Lamb. The author was a devoted admirer of Elia, and as early as 1822 Lamb had lent him a copy of Cyril Tourneur's play or plays, and on May 7, 1822, Lamb wrote to him referring to the book and saying, among other things, "I have read your poetry with pleasure. The tales are pretty and prettily told. It is only sometimes a little careless, I mean as to redundancy." The letter mentions the proposed dedication deprecatingly and modestly.*

*This letter seems to have been first printed by William Carew Hazlitt in *The Lambs* (London, 1897), pp. 195-196.

Talfourd, Canon Ainger and Fitzgerald in their collections give two other letters, written respectively on December 9 and December 29, 1823, one thanking Ainsworth for "books and compliments," and the other giving Lamb-like excuses for not leaving beloved London to pay a visit to Manchester.* It was something of an honor for a lad of seventeen to receive the praise of Charles Lamb, who appears to have discovered one of his young correspondent's besetting sins—redundancy. But it may not have meant much, for in those days they exchanged compliments more profusely than is customary at the present time.

All these excursions in the field of authorship were fatal to the grave study of the law, for which he had no taste, and although when his father died in 1824 he went to London to finish his term with Mr. Jacob Phillips of the Inner Temple, it was a foregone conclusion that, whatever his career might be, it would not be that of a solicitor. About 1826, one John Ebers, a publisher in Bond Street and also manager of the Opera House, brought out a novel called "Sir John Chiverton," which received the favor of Sir Walter Scott, who said of it in his diary (October 17, 1826) that he had read it with interest, and that it was

* See Temple Bar Edition, iii, 51-52.

"a clever book," at the same time asserting that he himself was the originator of the style in which it was written. For many years it was supposed that Ainsworth was its sole author, but it was claimed later by Mr. John Partington Aston, a lawyer, who had been a fellow-clerk of Ainsworth's in Mr. Kay's office, and the book was probably the result of collaboration. The dedicatory verses are supposed to have been addressed to Anne Frances Ebers, John Ebers' daughter, whom Ainsworth married on October 11, 1826. Soon afterwards he seems to have been occupied in editing one of those absurd "Annuals" so common in those days, for we find Tom Moore recording in his journal in 1827, that he had been asked to edit the *Forget-Me-Not* to begin with the second number, "as the present editor is Mr. Ainsworth (I think), the son-in-law of Ebers." The compensation offered to Moore was £500, which indicates that such work was paid for liberally, but it is not likely that Ainsworth received as much. A year or so after the marriage—within a year in fact—he followed his father-in-law's advice and became himself a publisher and a book-seller; but at the end of eighteen months he decided to abandon the business.

If we may judge by one of the letters in

my collection, it is not surprising that he was not overwhelmingly successful. He writes to Thomas Hill for a notice in the *Chronicle* of a book the copyright of which he had recently purchased, adding, "the work is really a most scientific one—indeed the only distinct treatise on Confectionery extant." Perhaps this was the work of Ude, the cook, whose publisher he was; bnt he also "brought out" Lady Caroline Norton as an author, of whom he writes to Charles Ollier, in his graceful, rather lady-like chirography:

"Is it not possible [to] get me a short notice of the enclosed into the new Monthly? By so doing you will infinitely oblige one of the most beautiful women in the world—the Hon. Mrs. Norton, the grand-daughter of Richard Brinsley Sheridan."

It was for an annual issued by him that Sir Walter Scott wrote the "Bonnets of Bonnie Dundee," and the story is told by Mr. Axon that Sir Walter received twenty guineas for it, but laughingly handed them over to the little daughter of Lockhart, at whose house he and Ainsworth met. He wrote some fragmentary and miscellaneous prose and verse, not of much importance, and in 1830 he set out for Italy. The manuscript note books which lie before me, the paper foxed and the

ink faded, comprise a diary of the Italian part of the journey. I have toiled over the one hundred and sixty-eight pages, not always easily decipherable, but have found little which exceeds in value the ordinary guide-book of our own time. It was, we must remember, written only for his wife — whom he considerately left at home — and the dedicatory poem to her, consisting of fifty-eight unrhymed lines, written in Venice in September, 1830, is quite as commonplace as might be expected from a man of twenty-five, with little poetic inspiration but endowed with much verbal fluency, who was not writing for publication.

III.

Soon after his return from the Continent, Ainsworth began the work from which he was to derive his chief title to fame — the composing of novels. It has been said that he was inspired by Mrs. Radcliffe, whose gloomy mysteries, weird scenes, and supernatural machinery once made her a favorite with fiction-lovers, and that he sought to adapt old legends to English soil. Others have ascribed his impulse to the influence of the French dramatic romancers, Eugène Sue, Victor Hugo, and Alexander Dumas. I question whether he owed his inspiration to any particular source, al-

though all these writers may have affected his temperament. He perhaps unconsciously divined the needs of the reading public, of which his editorial experience may have taught him much. The inane fashionable novel had become tiresome. Moreover, it was a time, in the early thirties, when the nation of England was absorbed in the growth of her material prosperity, and when a country is engrossed in commerce and manufactures, in the production of wealth, tales of adventure seem necessary to stimulate flagging imagination. We have seen the evidence of it in our own land during the past ten years, when casting aside the metaphysical, the psychological, the long drawn-out analyses of character, the public eagerly devoured story after story of fights, and wars, and daring deeds — whose lucky authors bore off rewards of fabulous amount and grew rich upon the royalties earned by their hundreds of thousands of copies.

Begun in 1831, Ainsworth's "Rookwood" was published in 1834. It has been generally considered by critics to be a powerful but uneven story, but it leaped at once into popularity, carrying with it the youthful author. The "Romany Chant" and "Dick Turpin's Ride to York" were the chief features; but the

Ride was the thing, like the chariot race in *Ben-Hur*. It was actually dashed off in the glow of enthusiasm, the white heat of imagination. It was, says George Augustus Sala, "a piece of word painting rarely if ever surpassed in the prose of the Victorian Era,"* and he said this sixty years after the novel appeared. Ainsworth has told us the circumstances. "I wrote it" he said "in twenty-four hours of continuous work. I had previously arranged the meeting at Kilburn Wells, and the death of Tom King—a work of some little time—but from the moment I got Turpin on the high road, I wrote on and on till I landed him at York. I performed this literary feat, as you are pleased to call it, without the slightest sense of effort. I began in the morning, wrote all day, and as night wore on, my subject had completely mastered me, and I had no power to leave Turpin on the high road. I was swept away by the curious excitement and novelty of the situation; and being personally a good horseman, passionately fond of horses, and possessed moreover of accurate knowledge of a great part of the country, I was thoroughly at home with my work, and galloped on with my pet highwayman merrily enough. I must,

*Sala's Life and Adventures (1896) p. 83.

however, confess that when my work was in proof, I went over the ground between London and York to verify the distances and localities, and was not a little surprised at my accuracy." This *tour de force*—the composition of a hundred novel-pages in so short a time, was performed at "The Elms," a house at Kilburn where he was then living. It brings to mind the familiar story of Beckford, writing *Vathek* in French, in a single sitting of three days and two nights, which is more or less apochryphal.

It is a proof of the merit and of the success of this chapter that, like many other successful literary efforts, it was "claimed" by some one else. Mr. Bates refers rather indignantly to an assertion of R. Shelton Mackenzie, made upon the authority of Dr. Kenealy, and contained in the fifth volume of an American edition of the *Noctes Ambrosianae*, that Doctor William Maginn, of convivial fame, wrote the "Ride" as well as all the slang songs in "Rookwood." But Maginn was seldom sober and doubtless he bragged in his cups. Kenealy believed in Arthur Orton, the Tichborne "claimant," and was capable of believing in any claimant, particularly if he was an Irishman; while Mackenzie was not celebrated for acumen or accuracy. Sala says of the

absurd tale: "As to the truth or falsehood of this allegation I am wholly incompetent to pronounce; but looking at Ainsworth's striking and powerful pictures of the Plague and the Fire in his 'Old St. Paul's,' and the numerous studies of Tudor life in his 'Tower of London,' I should say that 'Turpin's Ride to York' was a performance altogether within the compass of his capacity."

In the light of later years, it is interesting to observe the comparisons made between Bulwer and Ainsworth. In *Fraser's Magazine* for June, 1834, there is a review of "Rookwood" in which the author is praised far beyond the writer of *Eugene Aram* and *Paul Clifford*. Bulwer, according to Sala, was fated "to be beaten on his own ground by another writer of fiction very much his inferior in genius; but who was nevertheless endowed with a considerable amount of melodramatic power, and who had acquired a conspicuous facility for dramatic description." It may be that the defeat drove Bulwer to those other fields in which he won the reputation which has preserved his name while that of his conqueror of seventy years ago has faded almost into oblivion.

Ainsworth was now a conspicuous man, and his celebrity as an author, combined with his

personal attractions, made him a welcome guest at many houses, notably at Gore House, where Lady Blessington so long held sway—"jolly old girl," he calls her in one of my letters, written in 1836. The beauty was as fascinating as ever at forty-seven. "Everybody goes to Lady Blessington's," said Haydon in his *Diary*. The effervescent Sala tells of meeting Ainsworth there. "I think" he says "that on the evening in question there were present, among others, Daniel Maclise, the painter, and Ainsworth, the novelist. The author of 'Jack Sheppard' was then a young man of about thirty, very handsome, but somewhat of the curled and oiled and glossy whiskered D'Orsay type." The D'Orsay type was by no means distasteful to my lady. Sala relates at second-hand the anecdote about Lady Blessington's placing herself between D'Orsay and Ainsworth, and saying that she had for supporters the two handsomest men in London.

In 1837 "Crichton" was published, the hero being James Crichton, the "Admirable," about whose name has grown so much that is fabulous, but who was nevertheless a real person. The book was fairly successful, and while it did not add materially to Ainsworth's fame, it did not diminish it. It was well done, and

the author, as usual, spared no pains and was careful in his researches. In his introductory essay and in the appendices, which Sidney Lee pronounces "very interesting," he reprinted, with translations in verse, Crichton's Elegy on Borromeo and the eulogy on Visconti. Madden intimates that D'Orsay occasionally figured as the model of the accomplished hero. The author received £350 for the book—more than for "Rookwood." He had become a figure in the literary world, and his name was something with which to conjure. He was a favorite contributor to *Fraser's Magazine*, and his portrait appears among "The Fraserians," indeed a goodly company.

IV.

In January, 1837, Richard Bentley commenced the publication of *Bentley's Miscellany*, under the editorship of Charles Dickens. There is a familiar story that the name originally proposed was "The Wit's Miscellany," and that when the change was mentioned in the presence of "Ingoldsby" Barham (not Douglas Jerrold, as often supposed), he remarked "Why go to the other extreme?" In January, 1839, Dickens turned over the office of editor to Ainsworth with "a familiar epistle

from a parent to his child,"* which, in view of the fact that Ainsworth was seven years his senior, was quite condescending. *Oliver Twist* had just been the feature of the *Miscellany*, and now Ainsworth made his second and most celebrated venture in what Sala calls "felonious fiction"—the immortal "Jack Sheppard."

There are some conflicting statements about dates. Madden says, in one place, "In 1841 he [Ainsworth] became the editor of 'Bentley's Miscellany,'" and on the next page, "In the spring of 1839 he replaced Dickens in the editorship of 'Bentley's Miscellany,' and continued as editor till 1841."† He also says that in 1839 the novel, to be called "Thames Darrell," was advertised to appear periodically in the *Miscellany*, then edited by Charles Dickens.‡ Robert Harrison in the *Dictionary of National Biography* (title Bentley) says that Dickens retired from the post of editor in January, 1839. Mr. Axon tells us in the *Dictionary* that Ainsworth became the editor in March, 1840. Forster puts the date 1839, which seems to be correct, and the discrepancies are no doubt susceptible of explanation.

* Forster's Dickens, i. 141.

† Life of Lady Blessington, iii. 226, 227.

‡ Life of Lady Blessington, iii, 224.

The success of "Rookwood" and of *Oliver Twist* led to the new essay in the series which the sanctimonious Allibone says might be very appropriately published under the title of the "Tyburn Plutarch"—not a very sane or witty remark in my opinion. Ainsworth cast over the scamp Jack Sheppard the mantle of romance, and made him "a dashing young blood of illicitly noble descent, who dressed sumptuously and lived luxuriously" —whose escapes from Newgate and other adventures were described with a charm and vigor which took the public captive. The sale exceeded even that of *Oliver Twist*, and no fewer than eight versions were produced upon the London stage. Mr. Keeley achieved great notoriety as the hero, and Paul Bedford first made his mark in the character of Blueskin.

It was not until these dramatic productions appeared that the sedate and fastidious began the outcry against the so-called criminal school of romance—an outcry perpetuated in Chambers' *Encyclopædia* and in Allibone's *Dictionary*. The author and the novel were bitterly attacked. The main ground of denunciation seems to have been the belief that the lower orders might be aroused to emulate the brilliant robber, all of which is sheer

nonsense. I am tempted to quote at length from a letter of Miss Mitford, the personification of an old maid, because it contains an epitome of the adverse criticism as well as a little biographical note which I have not encountered elsewhere.

"I have been reading 'Jack Sheppard,'" she writes to Miss Barrett,* "and have been struck by the great danger in these times, of representing authorities so constantly and fearfully in the wrong; so tyrranous, so devilish, as the author has been pleased to portray it in 'Jack Sheppard,' for he does not seem so much a man or even an incarnate fiend, as a representation of power—government or law, call it as you may—the ruling power. Of course, Mr. Ainsworth had no such design, but such is the effect; and as the millions who see it represented at the minor theatres will not distinguish between now and a hundred years back, all the Chartists in the land are less dangerous than this nightmare of a book, and I, Radical as I am, lament any additional temptations to outbreak, with all its train of horrors. Seriously, what things these are—the Jack Sheppards, and Squeers's, and Oliver Twists, and

*January 3, 1840: Letters, Am. Edition, 1870, ii. p. 218.

Michael Armstrongs—all the worse for the power which, except the last, the others contain! Grievously the worse! My friend Mr. Hughes speaks well of Mr. Ainsworth. His father was a collector of these old robber stories, and used to repeat the local ballads upon Turpin etc. to his son as he sat upon his knee; and this has perhaps been at the bottom of the matter. A good antiquarian I believe him to be, but what a use to make of the picturesque old knowledge! Well, one comfort is that it will wear itself out; and then it will be cast aside like an old fashion."

The latter part of the prophecy has come very near to fulfillment but we have no proof that the awful novel caused any marked increase of crime. The real utility and value of stories like "Jack Sheppard" may well be questioned, for they surely do not belong to the highest and best in literature, but that any one became a thief or a burglar because of them is yet to be demonstrated.

In 1840 Ainsworth and George Cruikshank brought out the "Tower of London," in monthly numbers and were equal partners in the enterprise. It has always been regarded as a work of merit. In 1841 the author received £1,000 from the *Sunday Times* for "Old St. Paul's," and it was later one of

Cruikshank's grievances that he was not associated in this production, the idea of which he insisted was his own. Among my letters is one written by Cruikshank to Ainsworth on the subject, which has not, as far as I know, been published, and I give it because it reveals the relations of the two men quite distinctly.

"Amwell St., March 4, 1841.

MY DEAR AINSWORTH:—

Mr. Pettigrew called here yesterday and stated your proposition. Had that proposal been made any time between last December up to about a fortnight back I should have been happy, *most* happy, to have accepted the offer—but now I am sorry to say, but I cannot—no, I have so far committed myself with various parties that if I were to withdraw my projected publication I am sure that I should be a laughing stock to some and what is worse—I fear that with others I should lose all title to honor or integrity. I do assure you, my dear Ainsworth, I sincerely regret—that I cannot join you in this work, but what was I to think—what conclusion was I to come to but that you had *cut* me. At the latter end of last year you announced that *we* were preparing a "new work!" in the early part of December last. I saw by an advertisement that your "new work" was to be published in the "Sunday Times." You do

not come to me or send for me nor send me any explanations. I meet you at Dickens's on "New Year's Eve." You tell me then that you will see me in a few days and explain everything to my satisfaction. I hear nothing from you. In your various notes about the "Guy Fawkes" you do not even advert to the subject. I purposely keep myself disengaged refusing many advantageous offers of work —still I hear nothing from you. At lenth (*sic*) you announce a New Work as a *companion to the "Tower"*! without my name. I then conclude that you do not intend to join *me* in *any* "New Work" and therefore determine to do something for myself—*indeed I could hold out no longer*—to show that others besides myself considered that you had left me, I was applied to by Chapman & Hall to join with them and Mr. Dickens in a speculation which indeed I promised to do should the one with Mr. Felt be abandoned. However I have still to hope that when you are disengaged from Mr. Bentley that some arrangements may be made which may tend to our material benefit.

I remain, my dear Ainsworth, yours
very truly.

GEO. CRUIKSHANK."

In 1841, Ainsworth published the "Guy Fawkes" mentioned in Cruikshank's letter. About this time he seems to have become involved in disagreements with Bentley. On June 22, 1841, he wrote to Ollier:

"I am scarcely surprised to learn from you that Mr. Bentley states that I promised Mr. Barham to write two separate stories for the November and December numbers of the Miscellany, because it is only one of those misstatements to which that gentleman, in all the negotiations I have had with him, has invariably had recourse. Nothing of the sort was either expressed or implied, and I cannot believe Mr. Barham made any such statement, because it is entirely foreign to the spirit of the whole arrangement. I will thank you however to give Mr. Bentley distinctly to understand that I will not write any such story or stories, and that if he does not think fit to enter into the proposed arrangement, I shall adhere to the original agreement and finish Guy Fawkes in February next. I beg you will also give him to understand that I will not allow Mr. Leech or any other artist than Mr. Cruikshank to illustrate any portion of the work; and that I insist upon a clause to that effect being inserted in the mem. of agreement."

The remark about Cruikshank is significant when read in connection with the artist's letter of three months before, and with his subsequent conduct. For although it is clear that the trouble about the publication of "St.

Paul's" had been healed, through the efforts of Mr. Pettigrew, he rehashed the old grievance thirty years later.

A rupture with Bentley was imminent, and it came very soon. Ainsworth left the Miscellany and in February, 1842, the first number of "Ainsworth's Magazine" made its appearance. It was continued until 1853 when it was absorbed in the "New Monthly Magazine," acquired from Colburn, of which serial Ainsworth had been for a short time in 1836, an editor. At first he was both editor and proprietor, but later he sold the magazine to his publishers — another grievance of Cruikshank. For it he wrote "The Miser's Daughter," a work of considerable power, which was long years afterward dramatized by Andrew Halliday and produced at the Adelphi Theatre. In 1843 followed "Windsor Castle," an historical romance with the scene laid in the reign of Henry VIII.; and in 1844 his active pen busied itself with another story of the same class, "St. James's, or the Court of Queen Anne."

During the period between 1836 and 1844, Ainsworth, as we have seen, was closely associated with Cruikshank, who was destined to become a thorn in his side. The second issue of "Rookwood" was illustrated by Cruikshank,

who furnished also the designs for "Jack Sheppard," "The Tower of London," "Guy Fawkes," "The Miser's Daughter," "Windsor Castle" (in part), and "St. James's."

Whatever may be said of Cruikshank as an artist, he was beyond question a vain, self-centred and disagreeable person. "He had a tendency," says Blanchard Jerrold, "to quarrel with all persons with whom he had business relations, and when he did quarrel, his words knew no bounds."* He came to that stage of boundless conceit when he regarded himself as the creator of all the works for which he supplied the illustrations and reduced the writer to the level of an ordinary amanuensis.

All the world knows his absurd pretensions to the origination of *Oliver Twist*. He also asserted his claim to everything that was good in "Jack Sheppard," "The Miser's Daughter," and "The Tower of London." But he also claimed Egan's *Life in London* and even a poem of Laman Blanchard's which he had illustrated for the *Omnibus*—as well as the pattern of the hat worn by Russian soldiers! Blanchard Jerrold says in the *Life* that the controversies about Dickens and Ainsworth "arose from Cruikshank's habit of exaggeration in all things," which is a

*Life of Cruikshank (1882), i, 48-49.

biographer's euphemism, signifying in plain English that the man was an unmitigated liar.

If any one is curious about the history of the controversies, he will find a full, fair and dispassionate account in Chapters VIII and IX of Jerrold's book. The biographer prints in full Ainsworth's dignified rejoinder to Cruikshank's assault, and justly ridicules the utterances of the eccentric designer. Austin Dobson, a competent and impartial judge, has recently added his condemnation of Cruikshank's arrogance.* "He was not exempt" says Mr. Dobson "from a certain 'Roman infirmity' of exaggerating the importance of his own performances—an infirmity which did not decrease with years. Whatever the amount of assistance he gave to Dickens and to Ainsworth, it is clear that it was not rated by them at the value he placed upon it. That he did make suggestions, relevant or irrelevant, can hardly be doubted, for it was part of his inventive and ever projecting habit of mind. It must also be conceded that he most signally seconded the text by his graphic interpretations; but that this aid or these suggestions were of such a nature as to transfer the credit of the 'Miser's Daughter'

*Dictionary of National Biography, *Cruikshank.*

and 'Oliver Twist' from the authors to himself is more than can reasonably be allowed."

Mr. Firth, a friend of Cruikshank, says in his Autobiography:* "Cruikshank labored under a strange delusion regarding the works of Dickens and Ainsworth. I heard him announce to a large company assembled at dinner at Glasgow that he was the writer of 'Oliver Twist.' * * He also wrote the 'Tower of London,' erroneously credited to Ainsworth, as well as other works commonly understood to have been written by that author. My intimacy with Cruikshank enables me to declare that I do not believe he would be guilty of the least deviation from truth, and to this day I can see no way of accounting for what was a most absurd delusion." In fact, there is only one way, if we concede truthfulness to the deluded person; he was not of sound mind.

That Cruikshank was pertinaciously suggestive may be readily admitted. "He was excessively troublesome and obtrusive in his suggestions" says Ainsworth. "Mr. Dickens declared to me that he could not stand it and should send him printed matter in future." He adds, in a kindly spirit which must appeal to every reader, considering the grossness of

*Vol. I, 211.

the unjustifiable attack upon him, "It would be unjust, however, to deny that there was not wonderful cleverness and quickness about Cruikshank, and I am indebted to him for many valuable hints and suggestions." Ainsworth's appreciation is further shown by an unpublished letter in my possession, written on December 23, 1838, to Mr. Jones.

"Bentley" he says "will forward you the introductory chapters and illustrations of Jack Sheppard with this note. As it is of the utmost consequence to me to produce a favourable impression upon the public by this work, I venture to hope that you will lend me a helping hand at starting. * * Cruikshank's illustrations are, in my opinion, astonishingly fine. The scene in loft throws into shade all his former efforts in this line." This letter also reveals what appears abundantly in the pages of my collection,—that Ainsworth was given to calling on all his friends of journalistic and magazine associations to praise his books. He was not at all backward in urging them to puff the new works; and when Mr. Ebers was the manager of the opera, he artfully threw in suggestions of "free tickets," which was perhaps justifiable but scarcely consistent with dignity.

As an example of the way in which Cruik-

shank took pains to inflict upon his author the details of his designs, it may not be amiss to quote a letter which is also among my possessions, and which has not been published, to the best of my knowledge. It is addressed to Ainsworth and is dated "Saturday evening, 5 o'clock."

"Jonathan Wild has hold of Jack's left arm with *his* left hand, and grasps the collar with his right. The Jew has both his arms round Jack's right arm and Quilt Arnold has hold of the right side of Jack's coat. This fellow in making his spring at Sheppard may upsett the gravedigger who nearly falls into the grave. I should advise the approach of the attacking party to be thus. The Jew and some other fellow go round the *north* of the church and lurk there and Qt. Arnold in that road at the N. W. corner—Wild himself to come along the *south* side so as to take Jack in the rear. Darrell is about to draw his sword. In the other subject I have given Jonathan a *stout* walking stick. I have only time to add that I am yours very truly. The cheque all safe, many thanks."

Cruikshank first put forth his claim publicly in 1872, by means of a pamphlet called *The Artist and the Author*, just after the publication of the first volume of Forster's *Dickens*.

It is likely that he was encouraged in his folly by the flattery of foolish friends. Jerrold lays much blame on Thackeray, from whom he quotes a long passage exalting the artist far beyond the author. "With regard to the modern romance of 'Jack Sheppard,'" remarks Thackeray, "it seems to us that Mr. Cruikshank really created the tales, and that Mr. Ainsworth, as it were, only put words to it. Let any reader of the novel think over it for awhile, now that it is some months since he has perused and laid it down,—let him think, and tell us what he remembers of the tale. George Cruikshank's pictures—always George Cruikshank's pictures." Mr. Jerrold expresses the opinion that Thackeray was always unjust to Ainsworth. "He caricatured him unmercifully in *Punch*, and never lost an opportunity of being amusing at his expense." I am not inclined to agree with Mr. Jerrold's views. The long and cordial intimacy of the two men is evidence against the truth of the theory. I find no record of any feeling of resentment on Ainsworth's part against the author of *Vanity Fair*, and Ainsworth was by no means timid in self-defence or averse to a sturdy combat with those who assailed him. Thackeray—who never got over the conviction that he himself was an "artist"—

a picture maker—naturally gave to the illustrator an undue meed of praise; and at the risk of denunciation by all the scribblers who succumb to the "disease of admiration," and find it easy to glorify a famous man as if he were perfect and infallible, I venture to say that in grotesqueness and faulty drawing, the great Snob and the great Cruikshank were not very dissimilar. Yet Thackeray's comments were wisdom itself when compared with the silly utterance of a Mr. Walter Thornbury, who thus delivers himself: "Even Dickens had his fine gold jewelled by Cruikshank. Ainsworth's tawdry rubbish—now all but forgotten, and soon to sink deep in the mudpool of oblivion,—was illuminated with a false splendor by the great humorist."* A critical person might be disposed to inquire why the "great humorist" should lower himself by illuminating anything with a "false splendor." It is not complimentary to the great humorist, but Mr. Thornbury unconsciously told the truth; his hero was falseness personified.

In his "Few Words about George Cruikshank," Ainsworth said: "For myself, I desire to state emphatically that not a single line—not a word—in any of my novels was

* British Artists from Hogarth to Turner, ii, 59.

written by their illustrator, Cruikshank. In no instance did he even see a proof. The subjects were arranged with him early in the month, and about the fifteenth he used to send me tracings of the plates. That was all." He adds: "*Ne sutor ultra crepidam.* Had Cruikshank been capable of constructing a story, why did he not exercise his talent when he had no connection with Mr. Dickens or myself? But I never heard of such a tale being published." Of course, it may be said that Cruikshank did not pretend that he had written the books — only that he had furnished the leading ideas; that is an easy thing to assert, a hard thing to disprove, and an impossible thing to demonstrate.

It is fairly manifest that if there had been any real foundation for the claims of Cruikshank, he would not have waited for thirty years before setting up his title. He sought to account for the delay by asseverating that he had frequently *in private* asserted his claim, which anybody possessed of ordinary intelligence will see in a moment was a puerile make-shift; no sufficient reason or explanation. As nobody whose opinion is worth accepting has ever given credence to the tale of the old artist, it may be a waste of time to give it further attention; but it may be

permitted to show that Cruikshank needed a good deal of instruction himself.

The fact is shown by the letter of Dickens, produced in facsimile by Forster,* and it is confirmed by several of Ainsworth's letters now lying before me. In March, 1836, while Cruikshank was engaged on the designs for the second edition of "Rookwood," Ainsworth wrote to Macrone, the publisher, "I *have* seen some of George Cruikshank's designs, and it was because I thought them so *sketchy* that I write to you. They are anything but *full* subjects and appear to be chosen as much as possible for light work. He shirked the inauguration scene, for instance, because it was too crowded. I quite agree with you that a few good designs are better than many meagre sketches, and all I want is that you should make George understand this. He has evidently two styles—and one can scarcely recognize in some of his 'Bozzes' the hand of the designer of the Comic Almanack.

* * *Do*, I pray of you, see George Cruikshank, and don't let him put us off so badly." Again, in writing to Macrone in 1836, he makes several recommendations for designs, and adds: "Another suggestion—and this refers to George. In addition to the figures I

* Vol. ii, 321–322.

suggested, I wish him to introduce as entering my old gentleman's chamber, Thomas Hill, Esq. (in propria persona), or as I shall call him, Tom Vale. If George has not seen him, you can get the sketch from Frazer's Mag. but introduced he must be, as I mean to carry him throughout and to make him play the part of Mr. Weller in my story; I wish George therefore to give the portrait, easily done, as exact as possible." In a later letter to Cruikshank himself, while they were at work together on "The Tower," he writes: "Pray, when you are at the Tower, sketch the gateway of the Bloody Tower from the south; the chamber where the princes were murdered; the basement chamber at the right of the gateway of the Bloody Tower, near the Round Tower." All this furnishes competent testimony that Cruikshank was a mere illustrator, directed and controlled by the author.

VI.

From the time of "Jack Sheppard" until 1881, a period of over forty years, Ainsworth was a busy man, producing book after book at regular intervals and closely occupied with editorial labors. After "St. James's" he began "Auriol," which was by no means successful. It dealt with a London alchemist of

the sixteenth century, but the plot was defective and it was not published in book form until near the close of the author's life. In 1848 he wrote "Lancashire Witches" for the *Sunday Times*, receiving £1,000. It was dedicated to his old friend James Crossley, President of the Chetham Society, which published many volumes, including Potts's *Discovery of Witches* and the *Journals* of Nicolas Assheton, both of which furnished much of the material for the story. In 1854, "Star Chamber" and "The Flitch of Bacon, or the Custom of Dunmow" appeared. The "Flitch" treated of the ancient Essex custom of giving a "Gamon of Bacon" to a married pair "who had taken an oath, pursuant to the ancient 'Custom of Confession,' if ever—

> "—You either married man or wife
> By household brawles or contentious strife,
> Or otherwise, in bed or at board,
> Did offend each other in deed or word,
> Or, since the Parish *clerk* said *Amen*,
> You wish't yourselves unmarried agen,
> Or in a twelve months time and a day,
> Repented not in thought, any way;
> But continued true and just in desire
> As when you joyn'd hands in the holy quire."

In 1851 "the lord of the manor declined to give the flitch, but the claimants obtained one from a public subscription, and a con-

course of some three thousand people assembled in Easton Park in their honour."* In 1855 Ainsworth himself offered to give the flitch. The candidates were Mr. James Barlow and his wife, of Chipping Ongar, and the Chevalier de Chatelain and his wife, the last named being well known in literary circles. They were old friends of Ainsworth. I have thirteen letters from Ainsworth to the Chevalier and his wife, of the most intimate character, dating from 1845 to 1880. In one of them, written at Brighton on October 22, 1854, he says:

"My dear Chevalier: Thanks for your charming little volume, full of graceful translations. You have done me the favor I find to include the 'Custom of Dunmow' in your collection. Within the last few days I have received another version in French of the same ballad by Jacques Desrosiers. The Tale has been translated under the title of '*Un An et un Jour*', and published at Bruxelles. You will be glad to hear that a worthy personage has announced his intention of bequeathing a sum sufficient for the perpetual maintenance of the good old custom."

On January 5, 1855, he writes to Madame de Chatelain:

* Dict. Nat. Biog., i, 198.

"I need scarcely say, I hope, that I shall be most happy to entertain your claim for the Flitch — and though I believe a prior claim has been made, I will gladly give a second prize rather than you should experience any disappointment." On July 19, 1855, she received the flitch of bacon in the Windmill Field, Dunmore.

In 1856 "Spendthrift" appeared, and in 1857 "Merwyn Clitheroe" which he began in 1851 but abandoned after a few weekly numbers. In 1860 he published "Ovingdean Grange, a Tale of the South Downs." The two books last mentioned were partly autobiographical.

It is unnecessary to do more than to enumerate his later productions, for although they showed the scrupulous care which he exercised in respect to details and the pains he took to be accurate in historical references, they were never as popular as his earlier works. The list is quite imposing: "Constable of the Tower," 1861; "The Lord Mayor of London," 1862; "Cardinal Pole," 1863; "John Law, the Projector," 1864; "The Spanish Match, or Charles Stuart in Madrid," 1865; "Myddleton Pomfret," 1865; "The Constable de Bourbon," 1866; "Old Court," 1867; "The South Sea Bubble," 1868;

"Hilary St. Ives," 1869; "Talbot Harland," 1870; "Tower Hill," 1871; "Boscobel," 1872; "The Manchester Rebels, or the Fatal '45," 1873; "Merry England," 1874; "The Goldsmith's Wife," 1874; "Preston Fight, or the Insurrection of 1715," 1875; "Chetwynd Calverley," 1876; "The Leaguer of Lathom, a Tale of the Civil War in Lancashire," 1876; "The Fall of Somerset," 1877; "Beatrice Tyldesley," 1878; "Beau Nash," 1880; "Auriol and other tales," 1880; and "Stanley Brereton," 1881. Not a single one of this long catalogue is now remembered. Percy Fitzgerald in an article in *Belgravia* (November, 1881), said that the description of Ainsworth's books in the Catalogue of the British Museum filled no fewer than forty pages. Mr. Axon reduces the number of pages to twenty-three, but that is very extensive. In addition to the prose works whose titles are given above, he published in 1855 "Ballads, Romantic, Fantastical and Humorous," which was illustrated by Sir John Gilbert and which contains some spirited and picturesque verses.

In 1881 Ainsworth was nearly seventy-seven, and approaching the end of his career. On September 15 in that year, the Mayor of Manchester, Sir Thomas Baker, gave a ban-

quet in his honor at the town hall. In proposing the health of the guest, the Mayor said that in the Manchester public free libraries there were two hundred and fifty volumes of his works. "During the last twelve months," said the mayor, "these volumes have been read seven thousand six hundred and sixty times, mostly by the artisan class of readers. And this means that twenty volumes of his works are being perused in Manchester by readers of the free libraries every day all the year through."

My English friend, the prospective biographer of Ainsworth, takes issue with me on my assertion that his favorite is an author who has fallen into oblivion and whose books are not read by the present generation. He refers of course to English readers, and assures me that the stories are still popular in England. "Routledge" he says, "issues a vast number of cheap editions of his works, and in addition many other publishing firms have recently issued editions of the better known novels. This has been done by Methuen, Newnes, Gibbings, Mudie, Treherne, and Grant Richards, to mention a few that I recollect at the minute." It is doubtless true that there is a demand for the tales among the less cultivated English readers, but it can-

not, I think, be maintained successfully that the author has a permanent and enduring literary fame. Perhaps I am influenced in my opinion by the American lack of acquaintance with Ainsworth and his works.

Contemporaneous memoirs and records are full of testimony to the personal popularity of Ainsworth in the social life of the day. He entertained freely, and was a favorite guest. Dickens and Thackeray were both fond of him, although Blanchard Jerrold, as we have seen, doubted Thackeray's friendship. Forster says in his *Dickens*, referring to the period *circa* 1838, "A friend now especially welcome, too, was the novelist, Mr. Ainsworth, who shared with us incessantly for the three following years in the companionship which began at his house; with whom we visited, during two of these years, friends of arts and letters in his native Manchester, from among whom Dickens brought away his Brothers Cheeryble, and to whose sympathy in tastes and pursuits, accomplishments in literature, open-hearted, generous ways, and cordial hospitality, many of the pleasures of later years are due." I have a little note of his, addressed to Dickens, saying: "Don't forget your engagement to dine with me on Tuesday next. I shall send a refresher to Forster, the

unpunctual." There is also this letter from Dickens—strangely enough, in black ink and not the blue which he employed in later days.

"Devonshire Terrace,
Fifth February, 1841.

MY DEAR AINSWORTH—

Will you tell me where that Punch is to be bought, what one is to ask for, and what the cost is. It has made me very uneasy in my mind.

Mind—I deny the beer. It is very excellent; but that it surpasses that meeker, and gentler, and brighter ale of mine (oh how bright it is!) I never will admit. My gauntlet lies upon the earth.

Yours, in defiance,
CHARLES DICKENS."

One of my Thackeray letters is addressed to Ainsworth, dated in 1844, inviting him to dine at the Garrick, with the characteristic remark, "I want to ask 3 or 4 of the littery profession." Tom Moore in his Journal (November 21, 1838) mentions a dinner at Bentley's where the company was "all the very *haut ton* of the literature of the day," including himself (named first), Jerdan, Ainsworth, Lever, Dickens, Campbell,

and Luttrell. We read in Mackay's "Breakfasts with Rogers" of a breakfast where he met Sydney Smith, Daniel O'Connell, Sir Augustus D'Este and Ainsworth. These references might be multiplied indefinitely. According to Hazlitt, Ainsworth had one rule, as a host, which in these days of studied unpunctuality might be considered unduly vigorous; when he had friends to dinner he locked his outside gate at the stroke of the clock, and no late comer was admitted.

It is not to be denied that he had his foibles and that he also had his quarrels—few men of any force or strength of will and character can escape quarrels. That he fell out with Cruikshank and Bentley is not to be wondered at, for almost everybody did that, sooner or later. His passage at arms with Francis Mahony—the Father Prout of "Bells of Shandon" fame—is more to be regretted, but he was in no way to blame. He behaved very well under trying conditions. The trouble dated from Ainsworth's secession from *Bentley's Miscellany*—what Mr. Bates calls his "dis-Bentleyfication," and, ignoring their past intimacy and cordial companionship, Mahony sneered at the man "who left the tale of Crichton half told, and had taken up with 'Blueskin,' 'Jack Sheppard,' 'Flitches

of Bacon,' and 'Lancashire Witches,' and thought such things were 'literature,'"—following it up with some rather poor and clumsy verse-libels, flat, stale and unprofitable—utterly unworthy of a moment's time. Ainsworth replied most courteously in a parody of Prout, called "The Magpie of Marwood; an humble Ballade," which none could condemn as either coarse or brutal. When Mahony came back at his former friend with quotations from private letters asking eulogistic notices and literary aid, and when he said "Has he forgotten that he was fed at the table of Lady Blessington? not merely for the sake of companionship? for a duller dog never sat at a convivial board," he showed himself a despicable cad, a perfidious creature, well deserving the name of "Jesuit scribe," which was about all the retort which Ainsworth thought fit to make.

The kindly and forgiving nature of Ainsworth is shown by a letter in my collection, written on February 24, 1880, to Charles Kent. He says:

"I always regret the misunderstanding that occurred between myself and Mahony, but any offence that was given him on my part was unintentional, and I cannot help thinking he was incited to the attack he made upon me

by Bentley. Be this as it may, I have long ceased to think about it, and now only dwell upon the agreeable parts of his character. He was an admirable scholar, a wit, a charming poet, and generally—not always—a very genial companion." These pleasant remarks about the man who had grossly insulted him, are quite characteristic and demonstrate the sweet reasonableness with which he treated men like Cruikshank and Father Prout.

As Blanchard Jerrold says, *Punch* was often quite severe on Ainsworth. Spielmann in his *History of Punch* confirms the statement:

"Harrison Ainsworth, as much for his good-looks and his literary vanity, as for his tendency to reprint his romances in such journals as came under his editorship, was the object of constant banter. An epigram put the case very neatly:

"Says Ainsworth to Colburn,
'A plan in my pate is,
To give my romance as
A supplement, *gratis*.'
Says Colburn to Ainsworth,
''Twill do very nicely,
For that will be charging
It's value precisely.'

"Harrison Ainsworth could not have his

portrait painted, nor write a novel of crime and sensation, without being regarded as a convenient peg for pleasantry."

There seems to have been, unluckily, a shadow of a difference with William Jerdan, of the *Literary Gazette*, whose diffuse and often tedious *Autobiography* was published in 1853. "Among incipient authors," says Jerdan, "whom (to use a common phrase) it was in my power to 'take by the hand' and pull up the steep, few had heartier help than Mr. William Harrison Ainsworth, whose literary propensities were strong in youth, and who has since made so wide a noise in the world of fictitious and periodical literature. From some cause or another, which I cannot comprehend, he has given a notice to my publishers, to forbid the use of any of his correspondence in these Memoirs, though on looking over a number of his letters I can discover nothing discreditable to him, or aught of which he has reason to be ashamed." I think it is not difficult to understand what Jerdan seemed unable to comprehend. Ainsworth did not care to have his confidential requests for good notices to go out to the public. It was a weakness of his to beg for complimentary reviews and Father Prout had made the most of it; small wonder that he dreaded

a repetition of the experience. Jerdan gives, however, a very kindly estimate of Ainsworth.*

The good looks of Ainsworth have been referred to several times; they were the good looks of the days of William IV., but the Maclise and Pickersgill portraits as well as the later Fry photograph have a dandified appearance, which in our modern eyes detracts from true dignity. The sketch in the *Maclise Gallery* shows him at his best, in his Fraser days, a fine and gallant figure, without the hideous whiskers of the type beloved by Tittlebat Titmouse. "This delicately drawn portrait of the novelist" comments Mr. Bates "just at the time that he had achieved his reputation—hair curled and oiled as that of an Assyrian bull, the gothic arch coat-collar, the high neckcloth, and the tightly strapped trowsers—exhibits as fine an exemplar as we could wish for, of the dandy of D'Orsay type and pre-Victorian epoch." How he looked at seventy-seven, when the Manchester Mayor feasted him, we can hardly imagine, but an aged dandy is usually quite pitiable and he must have afforded a melancholy spectacle, for dandyism confirmed and persistent does not well become old age.

*Autobiography, iv, 390-393.

He lived at one time at the "Elms" at Kilburn, and later at Kensal Manor House on the Harrow Road. Afterwards he lived at Brighton and at Tunbridge Wells. When he grew old he resided with his oldest daughter, Fanny, at Hurstpierpoint. He had also a residence at St. Mary's Road, Reigate, Surrey, and there he died, on Sunday, January 3d, 1882. On January 9th, he was buried in Kensal Green Cemetery, with a quiet and simple ceremonial as he wished. His widow and three daughters by his first marriage survived him.

Ainsworth had no power to portray character or to analyze motives; his genius was purely descriptive. He had a strong literary bent, and he was a man of letters in the true sense. He did not possess the spark which gives immortality, but he toiled faithfully and his work was well done even if he did not reach the standard of the greatest of his contemporaries.

Perhaps his merits were characterized justly if rather ornately in the *Sun* of August 2, 1852, where a reviewer said:

"His romances yield evidence, in a thousand particulars, that his temperament is exquisitely sensitive, not less of the horrible than of the beautiful. We have it in those

landscapes variously coloured with the glow of Claude and the gloom of Salvator Rosa—in those lyrics grave as the songs of the Tyrol, or ghastly as the incantations of the Brocken; but still more in those creations, peopling the one and chaunting the other, namely, some of them as the models of Ostade, and others wild as the wildest dreams of Fuseli. Everywhere, however, in these romances a preference for the *grimlier* moods of imagination renders itself apparent. The author's purpose, so to speak, gravitates towards the preternatural. Had he been a painter instead of a romancist, he could have portrayed the agonies of Ugolino, as Da Vinci portrayed the '*rotello del fico*,' in lines the most haggard and lines the most cadaverous. As a writer of fiction, his place among his cotemporaries may, we conceive, be very readily indicated. He occupies the same position in the present, that Radcliffe occupied in a former generation."

It is to be hoped that the forthcoming biography will do ample justice to the memory of this charming literary personage, and may revive the fading interest in him and in his works.

OF THE OLD FASHION

OF THE OLD FASHION

SPEAKING appreciatively a few nights ago at the Club, concerning a recent magazine article on "Prescott, the Man," I was reminded by a youthful university graduate of only twenty-five years standing, that "Prescott is an old-fashioned historian."

There is much that is amusing in the attitude of the self-sufficient present towards the things of the past, and there is also an element of the pathetic. I am often called an "old fogy," an epithet whose origin and derivation are uncertain, but whose meaning is reasonably plain. Nobody who ever had the name applied to him was oppressed by any doubt about its signification. Some authorities tell us that it comes from the Swedish *fogde*—one who has charge of a garrison,

but I question it despite the confident assertion of the *Century Dictionary*. It is not altogether inappropriate, because old fogies are compelled to hold the fort against all manner of abominations. They are the brakes on the electric cars of modern pseudo-progress. Thackeray speaks of "old Livermore, old Soy, old Chutney the East India director, old Cutler the surgeon, — that society of old fogies, in fine, who gave each other dinners sound and round and dine for the mere purpose of guttling." So the term is always associated with the stupid and the ridiculous, used with regard to "elderly persons who have no sympathy with the amusements and pursuits of the young." Nobody ever refers to a young fogy, although most of us know many exceedingly dull-witted young people who have no sympathy with the amusements and pursuits of the aged or even of the middle-aged. One class is no more worthy of contempt than the other. The adolescents who find their highest form of entertainment in "bridge" are at least as deserving of pity as the semi-centenarian who prefers to pass his evenings among his books and his pictures or to devote them to Shakespeare and the musical glasses. There are some delights about the library fireside which compare

favorably with those of the corridors of our most popular hostelry.

Certain kindly critics have insisted that my own literary tastes were acquired in the year 1850. I am not sure that the despised tastes formed in those commonplace, mid-century days are to be esteemed more highly than the tastes of our own self-satisfied times, but a good deal may be said in their favor. Perhaps the past is not always inferior to the present. There are varying opinions on the subject, from the familiar saying of Alfonso of Aragon, quoted by Melchior, immortalized by Bacon, and paraphrased by Goldsmith—that saying about old wood, old wine, old friends, and old authors—to the dogmatic declaration of Whittier that "still the new transcends the old." It may occur to antiquated minds that there are some elements of excellence about old plays compared with the dramatic works of this careless, *insouciant* time; that Wordsworth has some merits which are superior to those of the worthy gentleman who now fills the office of Laureate, and that possibly the poetry of the last few years is not entitled to boast itself greatly beside that of the early nineteenth century—the poetry of Scott, of Byron, of Shelley and of Keats. But we have the telephone and the

trolley-car, the automobile and the operation for appendicitis; and we admire our progress, the wonderful growth of the material, the mechanical, and the millionairy, while a few may pause to ask whether good taste and good manners have grown as greatly. Some of our older buildings for example are assuredly far better to look at than the lofty structures of steel which tower in lower New York and make of our streets darksome cañons where the light of day scarcely penetrates and where the winds of winter roar wildly about our devoted heads as we struggle, hat-clutching, to our office doorways. May we not cite the City Hall and the Assay Office as honorable specimens of dignified architecture? There was something impressive too about the old "Tombs,"—replaced not long ago by a monstrosity—a structure which a lady recently told me was once referred to by an English friend who had never been in New York, as "the Westminster Abbey of America."

It is delightful to be young and to indulge in the illusions of youth—a truism which it is safe to utter, for nobody will dispute it. "Youth is a blunder, manhood a struggle, old age a regret" said the strange, semi-oriental personage, an enigma in politics and a prob-

lem in literature, Benjamin Disraeli. Everybody knows the rude saying of old George Chapman, which it is almost an impertinence to quote, but every one does not remember whence it came—that young men think the old men are fools but old men know young men are fools. It is certain that we have revolved that idea in our minds for many centuries. Pope, in his epigrammatic way, remarked that "in youth and beauty wisdom is but rare," but we cannot give him credit for originality in the utterance. We will go on with our regrets, our reproofs and our hesitancies, and in the course of time those who sneer at us now as cumbersome relics, *laudatores temporis acti*, mere maunderers enamored of an effete past, will take their turn, fill our places, and endure the pitying and condescending smiles of the succeeding generation. There is nothing new under the sun and the man of to-day may as well pause in his arrogant career to remember that he will quickly pass into the category of the obsolete.

Some of us who are beginning to descend that downward slope of life which soon becomes sadly precipitous, but who retain a vivid recollection of the long-ago, are fond of recalling a period of New York which in this

era of lavish expenditures, indiscriminating profuseness, and careless prodigality seems strangely simple. Those were the days when in sedate Second Avenue and Stuyvesant Square, were the homes of dignified wealth, whose owners rather looked down upon Fifth Avenue as *parvenu;* and Forty-second Street was almost an outpost of civilization. We revelled in the delights of the ancient Philharmonic concerts and believed that Carl Bergmann was the last evolution of a conductor; later we recognized Theodore Thomas as the man who did more to develop a taste for good orchestral music in this country than any other one man who ever lived. We thronged the stalls of old Wallack's, with its most excellent of stock-companies — something which has wholly disappeared — and we rejoiced in Dion Boucicault aud Agnes Robertson. A little later we haunted the upper gallery of the Academy of Music in Fourteenth Street — at least *I* did, because of a confirmed stringency in the money market, — and cheered the magical top-notes of the ponderous but melodious Wachtel and the generous tones of that most inspiring of singers, the splendid Parepa-Rosa. We hailed with loud acclaims the manly and dignified Santley, — more in his element in oratorio than

in opera—and the royal contralto, Adelaide Phillips, long since forgotten except by the Old Guard who afterwards transferred their allegiance to Annie Louise Cary. It may have been a provincial time, but we did not think so; it was a good time and we enjoyed it.

It seems but yesterday when all over the land flashed the news of Lincoln's death, and the black draperies suddenly shrouded the streets while the triumphant note of Easter Sunday died away in a cry of lamentation. I was in old St. Bartholomew's in Lafayette Place that Sunday, and the recollection of it will never be lost. Nor shall I forget the grief and alarm of a small band of Southerners, secessionists of the strongest type, domiciled in the same house with me, as they lamented that in the death of Abraham Lincoln, the South had been deprived of its best friend, the man who would have made reconstruction a blessing instead of an affliction. They had been rebels, it is true, but they were conscious of the loftiness of the soul of that noble citizen who, with faults which are often the accompaniments of greatness, stood for all that was just and magnanimous in our national life.

Some of us have a clear recollection of the camping of soldiers in City Hall Park, the

cheering of the multitude as the regiments of volunteers swung down Broadway on their march to Virginia, when we were striving to preserve the Republic and the horror of civil war was present with us every hour. We were less cynical, less ambitious, less strenuous in those days, and I think we were more serene and sincere. We had serious imperfections, but we did not carry ourselves quite as mightily, and on the whole we had some creditable characteristics. There is no good reason why we should be ashamed of ourselves.

Were we so very stupid in the fifties? Was there not some true and honorable life in our social and literary world of that generation? Surely our newspapers were as worthy of respect as some of our contemporary journals with their blazing capitals, their columns of crime, their pages of the sensational, and their provoking condensed head-lines which exasperate me by their airy flippancy. I sometimes wonder that nobody except myself utters a protest against those dreadful head-lines. They reduce almost everything to vulgarity, and the affectation of condensation is distinctly irritating. Most objectionable of all are the headings followed by interrogation points, because they are misleading. If, for

example, they say in capitals "Mr. Smith strikes his mother?" the average reader—and there are more of that sort than of any other—glancing over the pages misses the query and goes to his grave with the firm conviction that poor Smith was the most unmanly of brutes. I am not sure that the interrogation mark protects the proprietors against a libel suit.

It is true that in the fifties our art may have been of the tame and tidy sort, timorously clinging to the conventional; our financial enterprises were conducted on so small a scale that a million was a sum which made the banker's heart palpitate with apprehensive emotion; our politics were concerned chiefly with the colored man and his relations to the State; in architecture our awful brown stone fronts were oppressing in a domineering way all the town in and above Fourteenth Street. But there was a certain dignity about it all, an absence of tawdriness, a savor of respectability.

Fourteenth Street! It must be difficult for the New Yorkers of to-day who have not passed the half-century mark to realize that only forty-five years ago it was really "uptown." It is easier to imagine the present Thomas Street as it was in 1815, a spot to be

reached only after a bucolic journey through country lanes which my grandfather used to traverse on his way to the New York Hospital where he studied medicine. We think of that condition of things in about the same state of mind as that in which we contemplate the Roman Forum or the stony avenues of Pompeii. It amuses me to recall the period of the fifties and early sixties when the Hudson River Railroad had its terminus in Thirtieth Street near Tenth Avenue, but sent its cars, horse-drawn, to Chambers Street and College Place just opposite old Ridley's, whose pictures on those familiar inverted cones of never-to-be-forgotten candies — the virtues whereof have been proclaimed sonorously on railway trains from time immemorial — and that Chambers Street station will always live in the memory of old-fashioned people who used to "go to town" from rural neighborhoods. My aforesaid grandfather took me often, much to my joy, to visit his son in West Nineteenth Street, and the conservative old gentleman, who served as a surgeon under Commodore Charles Stewart on the good ship "Franklin," always went to Chambers Street and thence by the Sixth Avenue horse-railway to Nineteenth Street, which caused the pilgrimage to be unduly protracted, but

we always reached our destination sooner or later—generally later. I remember that an idiotic notion possessed me that we were confined to traveling on West Broadway because country people were not allowed to encumber the real, the glorious Broadway, of whose omnibus-crowded splendors I caught but furtive glimpses by peering up the cross-streets. Another gentleman of the old school, whom I loved sincerely, invariably proceeded from Thirtieth Street—and after the genesis of the Grand Central Station, from Forty-second Street—to the Astor House, from which venerable house of cheer he wended his way serenely to Union Square, or to Madison Square, or to any quarter where his business or his pleasure led him, however remote it might be from City Hall Park. To him the Astor House was practically the hub of the metropolis. These details may seem to be trivial, but they are characteristic of the old-fashioned men of half a century ago who still clung to the swallow-tailed coat as a garment to be worn by daylight. It never occurred to them to "take a cab," possibly because there was no cab which a decent person would willingly occupy unless it had been ordered in advance from a livery stable. There are many reasons why this land of freedom—

modified freedom—is preferable to any other land; but when we come to cabs, we must, in all fairness, admit the superiority of the London hansom over a New York "growler."

The old-fashioned magazines—how few ever turn their pages now, and yet how much in them is of interest, even to a casual reader. Far be it from me to whisper the slightest word of disparagement about our gorgeous and innumerable "monthlies," with their pomp and pride of illustration, extending from text to the copious advertisements,—those soul-stirring and lucrative adjuncts to a magazine of the present. Do not tell me that the man who buys the thick, paper-covered book does not read the advertisements; he pretends that he does not, but he does. According to my experience he follows them from soap to steam-yachts, from refrigerators to railway routes, but he would rather die than confess it. Much as I admire these products of our later civilization, I nevertheless maintain that there is more charm in an ancient number of any worthy periodical than is to be found in the latest issue. Time seems to add a mellow flavor to the good things of the past. There is not much to say in praise of the solemn *Whig Review* or of O'Sullivan's portentous

Democratic Review, but take from the shelf a shabbily bound volume of *Graham's Magazine of Literature and Art*, published in the forties, and there will be discovered a wilderness of delights. The fashion-plates alone are dreams of comical beauty, and the steel plates of "The Shepherd's Love," "The Proffered Kiss," and "Lace Pattern with Embossed View" far surpass—in a sense—the boasted work of Pyle and of Abbey. What soul will decline to be thrilled at the lovely skit entitled "Born to Love Pigs and Chickens" by that butterfly of literature, Nathaniel Parker Willis, which you will find in the number of February, 1843. Consider the portrait of Charles Fenno Hoffman, with his exquisite coatlet, his wonderful legs attired in what appear to be tights, and his mild but intellectual countenance beaming upon us as he sits, bare-headed, upon a convenient stage rock, holding in one hand an object which may be a pie, a boxing-glove or a hat, according to the imagination of the beholder. Contemplate the list of contributors, including Bryant, Cooper, Longfellow, Lowell, and "Edgar A. Poe, Esq.," the "Esq." adding a delicious dignity to each of the illustrious names. It was only "sixty years since," but can any magazine of to-day rival that catalogue?

Almost every one knows that Poe was editor of *Graham* for a year and that *The Murders in the Rue Morgue* as well as Longfellow's *Spanish Student* first appeared in that magazine. Coming to a later day, recall the *Harper* of the fifties. No pleasure of the present can equal that which we felt when we revelled in Abbott's Napoleon which turned us lads into enthusiastic admirers of the great Emperor; or when we enjoyed the jovial Porte Crayon whose drawing was consistently as bad as Thackeray's, but whose fascinating humor had a quality peculiarly its own. Not long ago Mr. Janvier, to the gratification of the surviving members of the brotherhood of early *Harper* readers, gave to Strother the tribute of his judicious praise. It was in those days that we used to sing

> I want to be an angel, and with the angels stand;
> A crown upon my forehead and a *Harper* in my hand.

One may not gossip lightly about the *Atlantic*, but the *Knickerbocker* is distinctly old-fashioned. Longfellow's *Psalm of Life* first saw the light in its pages; immortal, even if Barrett Wendell does truthfully say that it is full not only of outworn metaphor but of superficial literary allusion. Old New York, adds Professor Wendell, expressed itself

in our first school of renascent writing, which withered away with the *Knickerbocker Magazine*. But there was a Knickerbocker school, and the brothers Willis and Gaylord Clark helped to sustain its glories. The magazine began in 1832, faded in 1857 and died in 1864; but out of it sprang many of the authors whose names are inseparably associated with a golden period of our literature.

It was only a few months ago that one of the men of those by-gone times departed this life, and the scanty mention of him in the public press compelled a sad recognition of the familiar truth that in order to retain popular attraction one must pose perpetually under the lime-light. Parke Godwin, who belonged to the order of scholarly, high-minded Americans, had outlived his fame, except among the Centurions of West Forty-third Street and a few old people of the same class. Perhaps he did not concentrate his powers sufficiently. Editor, writer of political essays, author of *Vala, a Mythological Tale*, biographer of his father-in-law, William Cullen Bryant, and by virtue of his *History of France*, historian,—but he published only one volume more than forty years ago and then abandoned the task—he had that broad

culture which sometimes disperses itself and fails to win for its possessor the highest place in the literary hierarchy. He was a delightful example of what we now regard as the old-fashioned and his address on the fiftieth anniversary of the founding of the Century Club is a mine of good things for one who is interested in the past of New York. "I have stood once more" said he "beside the easel of Cole as he poured his ideal visions of the Voyage of Life and the Course of Empire in gorgeous colors upon the canvas. I have seen the boyish Kensett trying to infuse his own refinement and sweetness into the wild woods of the wold. I have watched the stately Gifford as he brought the City of the Sea out of its waters, in a style that Cavaletto and Ziem would envy and with a brilliancy of color that outshone even its native Italian skies. I have stood beside the burly Leutze as he portrayed our Washington among the ice of the Delaware, or depicted the multitudinous tramp of immigrants making their western way through the wilderness to the shores of the Oregon, that 'hears no sound save its own dashings.' All have come back for a moment, but they are gone, oh whither? Into the silent land, says Von Salis; yet how silent it is! We speak to them but they

answer us not again." He brought back to us the beginning of things, when he told us of the incipient conditions of the Academy of Design. "They took a room — was it suggestive? — in the old Alms House in the Park, and they worked under a wick dipped in whale-oil which gave out more smoke than light." He spoke of Halleck, of Gulian Verplanck, of Bryant, of Charles Fenno Hoffman, of Robert C. Sands, and of old Tristam Burges, "who had swallowed Lemprière's Classical Dictionary;" and he closed with a brief flight of eloquence such as in these days of new-fashioned chilliness it is seldom vouchsafed to us to hear.

Of the same order, the friend of Halleck and of Duyckinck, of Andrew Jackson and of Martin Van Buren, who knew Samuel Rogers and visited him in London, was William Allen Butler. He was nine years the junior of Godwin. He might have won the highest eminence in the world of books if he had not made the law his chief occupation and literature only his recreation. The bar does not among its rewards number that of enduring fame, unless occasionally some great political or criminal trial perpetuates the name of the advocate chiefly concerned in it. Of course, Mr. Butler's early essay in verse, "Nothing to

Wear," will never be entirely forgotten. A humorous skit as it was, its enduring merit is shown by the fact that in spite of the old-fashioned terms descriptive of woman's dress and of the fashionable life of nearly fifty years ago, in its general tone it is curiously contemporaneous. Scarcely less witty and amusing were his poems, "General Average" and "The Sexton and the Thermometer," the former being more highly esteemed by many than its popular predecessor. I suppose that he left it out of the later collection of his poems because, with his gentle and kindly nature, he feared that a few of its passages might give offense to some of his friends of the Jewish faith whom he esteemed and respected. His translations of Uhland are marked by graceful and poetic fervor, and his prose style was lucidity itself. His humor, always attractive and appropriate, lightened even his most serious work, from an address on Statutory Law to an argument in the Supreme Court in Washington City. It was well said of him by a jurist now living, that "no man of his time, either in England or America, held an equally high rank, both as a lawyer and a literary man."

Another of the old-fashioned literary men, who was however considerably the senior of

both Godwin and Butler, was George Perkins Morris, who died in 1864. He was at once a General of militia, an editor, a favorite song-writer, and the composer of an opera libretto. His title to immortality rests mainly upon the sentimental verses known as "Woodman, Spare that Tree," which had a flavor about them very dear to our grandparents. To look at his manly countenance in the portrait engraved by Hollyer (who at the present writing is still extant and vigorous) after the Elliott painting, we can scarcely imagine him as the author of such lines as "Near the Lake Where Drooped the Willow," "We Were Boys Together," "Land-Ho," "Long Time Ago" and "Whip-poor-will." But James Grant Wilson says that for above a score of years he could, any day, exchange one of his songs unread for a fifty dollar cheque, when some of the *literati* of New York (possibly Poe) could not sell anything for the one-fifth part of that sum. In the presence of Morris, I confess I cannot quite give myself up to adoring admiration of the taste of our predecessors. This stanza indicates his ordinary quality:

> The star of love now shines above,
> Cool zephyrs crisp the sea;
> Among the leaves, the wind-harp weaves
> Its serenade for thee.

Notwithstanding this rather trifling vein, admirably satirized by Orpheus C. Kerr, and a certain tone of commonplace, Morris had a genuine lyrical quality in his verse although it was devoid of startling bursts of inspiration, and English literature affords many examples of less deserving poesy. Morris was an industrious editor, appreciative of others, and he had a personal charm which endeared him to those who had the good fortune to come within the pale of his friendship, and particularly to those who were permitted to enjoy the generous hospitality of his sweet and dignified home at Undercliff opposite West Point. Smile as we may at his little conceits and his obvious rhymes, we must recognize the sincere and genial nature of the kindly General, so long conspicuous in the social and literary life of old New York.

These men, it may be said, do not prove the permanent value of the literature of the fifties. Godwin and Morris were editors and Butler a busy lawyer, none of them able to give their undivided attention to authorship. I suppose that Irving and Emerson, Bryant, Longfellow, Hawthorne and Bayard Taylor were more distinctly the ornaments of the time, and there are other names which more judicious and discriminating men could substitute

for some of those enumerated. Bayard Taylor's greatest work was done in later years, but he had already won his first fame —not a giant, but a poet with "the spontaneity of a born singer," as Stedman says. Irving, the most charming and amiable of writers, had not the most forceful intellect, but he was calm and graceful, with a gentle and bewitching humor and a strong appreciation of the beautiful—a good man, beloved and honored at home and abroad. His fame is paler now than it was forty years gone by, but he has the immortality of a classic. Emerson had a powerful influence over the minds of men, but viewed in the perspective of time, he does not loom so largely now. I am not competent to venture far into the territory of criticism, having only the equipment of a general reader, who timidly expresses his personal feelings and leaves to trained and experienced judges the task of scientific analysis; but we general readers are the jury, after all.

As time slips by there is a tendency to merge the decades of the past, and to the young people of 1904 the period of 1850-1860 is every bit as remote as the period of 1830-1840. The university undergraduate does not differentiate between the alumnus of

1870 and him of 1855, as I know by experience. A melancholy illustration of this well-known fact was afforded recently in a popular play, the scene of which was laid in a time supposed to be exceedingly far distant, and the programme announced it as "the early eighties." The representation was enlivened by such antiquated melodies as "Old Zip Coon," "Maryland, My Maryland," and "Old Dan Tucker," as well as "Pretty as a Picture," "Ye Merry Birds," and "How Fair Art Thou," all as appropriate to the early eighties as Dr. Arne's "Where the Bee Sucks" and "Rule Britannia." It was almost as abominably anachronistic as the naive declaration of a pseudo-Princetonian who asserted a membership in the Class of 1879 and assured me that he had been, while in College, a devoted disciple of Doctor Eliphalet Nott. If I have mingled my old-fashioned decades unduly, it has been because of that tendency to merger which no Sherman Act can suppress.

Few there are who cling with affection to the memory of the old-fashioned. Most of us prefer to spin with the world down the ringing grooves of change, to borrow the shadow of a phrase which has itself become old-fashioned. The flaming sword of the

Civil War severed the latest century of America in two unequal parts, and its fiery blade divided the old and the new as surely and as cleanly as the guillotine cleft apart the France of the old monarchy from the France of modern days. To stray back in recollection to the land of fifty years ago is almost like treading the streets of some mediaeval town. But for some of us there is a melancholy pleasure in the retrospect and a lingering fondness for the life which we thought so earnest and so vigorous then, but which now seems so placid and so drowsy.

AN AMERICAN ABROAD

AN AMERICAN ABROAD.

THE easy methods of modern journeyings to lands across the sea have had one result at least which may be regarded as distinctly beneficial to mankind; they have destroyed the book in which the simple-minded tourist was accustomed to preserve the record of his wise reflections and to embalm his personal experiences for the entertainment and instruction of his fellow-citizens of the States. I knew an old gentleman, formerly a member of Congress and a Major General of militia, who wore a claw-hammer coat by daylight and who published a volume about his travels in which he told, among other things equally startling, how he saw all that there was to be seen in Florence where he sojourned for the protracted period of twenty-four hours. I once

met a man who had read the book and he assured me that it deserved a place among the curiosities of literature. We did a good deal of that sort of thing in the nineteenth century, which seems to us now almost as faded and remote as the eighteenth; yet we were very proud of the nineteenth century in its day, and we named clubs and magazines after it. It was a fairly good century as centuries go.

When the tourist of to-day yields to the temptation which at some time besets every man, to bestow his confidences upon an indulgent world, he usually resorts to fiction, cunningly presuming upon our fondness for stories, and he may be as didactic and as egotistical as he pleases in a novel, where the hero and the heroine meet on the steamer, pursue each other through all the starry firmament of Baedeker, and ultimately marry in Grace Church surrounded by their admiring companions of the voyage. If the heroine hails from Ohio and the hero is an ornament of the aristocratic regions of upper Fifth Avenue, while the villain has his domicile in Chicago or in Philadelphia, the complications arising from their encounters in London, Rome, Venice or St. Petersburg, with diversions among the countless "Bads" of

Germany and Austria will easily supply material for a romance which you will observe in the hands of four-fifths of the lady passengers who recline, languid and rug-enveloped, upon the uncomfortable chairs arranged side by side on the decks of the favorite Atlantic ferry-boats. These chairs, I insist, are unspeakably tiresome. I wonder that some ingenious inventor has not devised a better contrivance for its purpose.

I can comprehend why women read novels on ship-board, but I do not understand why some men persist in wearing costumes not only inappropriate but unbecoming. The subject of man's dress needs careful treatment by scientific thinkers and profound philosophers, for Sartor by no means exhausted it. The modern Greek in his absurd petticoats is scarcely less ridiculous than an African chief in a top-hat and a frock coat, but the man in top-hat and frock coat who saunters in the afternoon on the pleasanter side of Piccadilly is almost the supreme product of modern civilization. Hence it is manifest that there is nothing about the hat of Scott or the coat of Poole *per sese* which is essential or fundamental. The Piccadillian arrayed in the war-garments of the savage would be as amusing as his Matabele brother

clad in the conventional evening dress of New York and London. These considerations are leading me to some conclusion, I am confident, but I am not sure that I know exactly what it is, unless it be the proposition that a being erect upon two somewhat curvilinear limbs and having the outward semblance of a man should not wear riding-breeches on a steamer. On the *Ceramic*, destined for Liverpool where the quality of the Mersey is not and never has been strained, I observed such an individual, those exiguous extremities ought in decency to have been shrouded in ampler draperies. Why should he have thus made a spectacle of himself? He certainly did not expect to ride to hounds on the upper promenade deck where the amiable lunatics who toss rings and play at shuffleboard disport themselves shamelessly. I have even seen a mature person attired in a golfing-suit, strutting upon that deck in serene self-satisfaction; but he was a physician from Boston, and on both grounds is entitled to sympathetic indulgence.

In this generation the adventures of the ordinary American who leaves his beloved country to visit other climes are seldom of much interest to any one except himself and his wife. Perhaps they would be more

charming to the reader if the writer would really tell the exact truth about them. No one ever tells the exact truth, the whole truth, and nothing but the truth, except to the assessor of taxes. There is a tendency to touch up the canvas with gaudy bits of color, to disguise the commonplace in a gaily embroidered and ornamental costume and to make the story live up to the illustrations. No one cares much about accounts of travel now-a-days unless they are abundantly adorned with pictures, and most readers confine their attention to the pictures which are often much better than the text. Yet there is sometimes an element of fascination in the commonplace and even that American of my acquaintance whose only thought on visiting Westminster Abbey—confided to his guide—was that "he smelt 'em," might be very interesting in print; but he was incapable of composition.

I have made it a rule of life never to tell any one that he ought to see that thing or that he ought to do anything, unless of course he asks my advice and accompanies the request with a reasonable fee. Therefore I will not say that every American ought, at least once in his life, to abandon the familiar routine of England and Scotland, France,

Italy and Switzerland, the much frequented pathways of Germany and of Austria, and even the picturesque fjords of Norway, to take the pleasant water-journey across Sweden from Göteborg to Stockholm by way of Lakes Wennern, Wiken and Wettern, and the great Göta Canal with its innumerable locks and its quaint, delightful environment, varied by the foamy falls of Trollhätten. The falls are really admirable falls, and the prospectors do not have to turn on the water as they do in the Catskills. I merely suggest that while the trip is not one of intense excitement or fraught with episodes of thrilling interest, it is well worth the few days' time and the little trouble. The "Smörgåsbord" on the boat is alone worth a crossing of the North Sea. Sometime I will endeavor to elucidate the mysteries of Smörgåsbord, but not now. "Baedeker says," oracularly, "Persons unused to this institution are apt to find it disagree." The allegation is grossly ungrammatical and recklessly false. I say that it agrees; but with a power of self-restraint to which I call your admiring attention, I refrain from describing the delights of the Göta Canal.

Sweden is the home of true politeness. As a lad, I was brought up in the belief that the

French were the sole and exclusive possessors of the priceless jewel of courtesy, but a few encounters with the Gaul upon the streets of Paris and in the conveyances which one is compelled to occupy in order to traverse "the pleasant land of France," have satisfied me that the instructors of my boyhood were either sadly misinformed or inclined to take an unmanly advantage of my unsuspicious youth. The genuine article is as rare in France as the famous roast beef of old England is in the domains of Edward—and what there is of that has been imported from Chicago. In Scandinavian latitudes the gentle art of deference to one's fellows is carried to a delightful perfection. The manners of the natives are ideal, enchanting, worthy of preservation in a museum of antiquities. If, for example, a Götenborgian is drinking at his little table in front of the *Göta-Källare*, behind a small, consumptive-looking tree in an almost impossible tub, and another Götenborgian gentleman approaches, the bowing is tremendous. After each one has thoroughly swept up the surrounding country with his hat, the second comer orders his drink—squanders as much as an öre upon it, I fancy, and that is equivalent to a hemi-demi-semiquaver of a cent, to put it mildly; and the

two wave their glasses at each other. There is a solemn pause—and both of them swallow. As they are not given to extravagance, they wait half an hour before they command anything more, smoking meanwhile the cigar which can be procured only in Sweden and which traces its lineage to Havana by a line of descent which would make a Spanish hidalgo turn green with envy. The waiter, attentive and expectant, gazes upon them with anticipation tempered with sadness, but they do not plunge wildly; they call for something which costs about a shiver of a farthing, something which bears a relation to coin which the ultimate trituration of homœopathy bears to real medicine. Thereupon they genuflect and otherwise contort themselves, saying words which pass all understanding, but which no doubt express sublime mutual admiration, reverence and devotion, before they swallow once more. In America it would all be summed up in the two unimpressive monosyllables, "Here's how!"

The city of Göteborg is said to have been founded in 1619; and when you become aware of its plumbing, you will be inclined to believe that town and plumbing are of equal antiquity. I showed the plumbing in our hotel to an aged American friend, and he told me,

with tears in his eyes, that he was very old, and, like Mr. Clemens, was very wise, but that he had never seen anything like it in all his life. We were both overcome by emotion or something of like nature. The city was once famous for its plagues, and it may be well not to linger over the subject. Most of us know Göteborg chiefly because of its famous licensing system, under which the dispensers of alcoholic beverages control everything, pocket five per cent on the capital, and are supposed to apply the profits to the relief of the poor. If this system could be introduced in New York, it is plain that a clever "boss," by making the capital large enough and by restricting judiciously the distribution of the surplus among the poor who vote the regular ticket, might develop the institution into a valuable instrumentality of government. I throw out this suggestion to our worthy Mayor, without any expectation of rewards that will be supplied by virtue.

There is a pretty park in Göteborg called the Gardens of the Trädgärdsförening, containing lovely plants and flowers, attractive to the visitor in spite of its forbidding name. It has a good restaurant and a melodious band. The people stroll about, enjoy the music, eat queer food, and drink strangely

attractive fluids without any disorder, crowding or ill mannered behavior, all of which makes a New Yorker open his eyes in astonishment. The admission fee is one grain of the chicken-feed money of the country, whose value is almost inexpressible in our currency. When I reflect that in New York such a place of resort would probably be filled with a disorderly rabble, I am forced to believe that there are some advantages in living in an old country with certain social laws and customs. I am not unaware that New York is a much larger town than Göteborg, but the same thing would be true in respect to any American city of the same size as Göteborg.

Öre are delicious coins—really worth two and seven-tenths mills apiece, if you are craving accuracy, and when you figure out how many öre are represented by your letter of credit you are surprised at your affluence. I should much enjoy finding out just how many öre represent the wealth of Mr. Carnegie or of Mr. Rockefeller. I always feel extravagant in France and in Sweden, the amounts seem so colossal, and I remember the historic person who, when called upon by his son for "a thousand," wired back "francs or pounds?" I must, however, in candor, warn the traveller against what has been very properly

styled by a jovial scribbler "the ghastly Swedish language," whose terrors, snares and pitfalls could be described only by Mark Twain. "The city we call plainly and frankly Gothenburg," says the Englishman who complains, "a Swede will go out of his way to style Yötéborch, for he has four or even more ways of sounding g and borrows sounds, moreover, from the French and German languages, just as if his own has not plenty of idiosyncracies. We cannot give our approval to a language which uses the Roman alphabet and attaches different sounds to it from all the other civilized nations of the earth."

Greatly as I admire the sturdy folk of Sweden, I must enter a protest against such preposterous words as "Olycksfallsförsäkringsaktiebolaget" which I found in my telephone book at the Continental in Stockholm, a city where, by the way, they have a telephone system as nearly perfect as any mundane thing can be. I am able to see in my mind's eye the scorn and contempt with which our New York despots of the wire would regard a service like that of Stockholm, cheap, speedy and efficient. There the humble commoner who wishes to send a message is neither insulted by the shrill, feminine operator who condescends to attend to his call, nor robbed

by her indifferent and arrogant employers. They would look upon it in the same way that Mrs. Sniff in "Mugby" regarded the French railway restaurant service.

It is worthy of note that the Swedes of Sweden have little fondness for Americans and labor under the delusion that we are a race of uncouth and ill-mannered barbarians. Those of us who behave ourselves according to the canons of respectability are at once set down as "English," and the bands play "God Save the King" for us by way of special honor. I am told by a Swedish philosopher that it is due to the misconduct of returned immigrants who have forgotten their manners and who come back to the home country with unpleasant ways acquired in Wisconsin and in Minnesota, glorying in their emancipation and indifferent to the polite customs of their native land. The rude deeds of these persons are naturally ascribed to the baneful influence of the Western Republic, and we are discredited as a people because of the misconduct of a few who have not become thoroughly assimilated with our civilization. I do not contend that as a people we are models of politeness; the contrary is the truth. But there is, after all, something more substantial about us than our lack of breed-

ing would indicate. At all events, the Scandinavians appear to be willing to try their fortunes on the soil of America where they make strong, stalwart and loyal citizens. They have a mania for revisiting their old abodes and I have always thought that Mr. Lear was mindful of the fact when he said:

> There was a young lady of Sweden
> Who went by the slow train to Weedon,
> When she reached Weedon Station
> She made no observation,
> But thought she would go back to Sweden.

There are many foreign delusions about us which rank with the ancient notion that a Frenchman is a little man who eats frogs. The London shop-keeper who told me that the fierce July heat was not, of course, to be compared with that of my country, imagined that I was a South American. The stolid dignitary who met me on my first visit to the law courts responded to my inquiry about the pending business by saying loftily, "Nothing on which would interest you to-*dye*—no divorce cases on to-*dye*." He had evidently formed his opinion of American taste by perusing the dreadful American news as reported in the London papers or in the Paris edition of the *Herald*, from which any one would naturally infer that nothing ever occurred in

"the States" except strikes, railway accidents, lynchings, and crimes of all descriptions. Wherever I go, waiters pursue me with jugs of ice-water, for there seems to be a deep-seated conviction in their minds that we drench ourselves internally with the chilling beverage from early morn to dewy eve. I believe it was a Hamburg waiter who cried out in his perplexity over an incoming horde of English-speaking tourists—"I know not if they are the ees-waters or the godams." We encountered another odd opinion, which had some foundation of reason, on the coach from Guildford to London. I sat beside the gentleman who held the reins, a well-dressed person of the business class, driving for the pleasure of it, and during the journey he propounded to me the query, "Why is it that American women are so much more charming than American men?" He added graciously that he meant nothing personal by the remark, and he seemed to be much gratified when I told him that I did not know, unless it was because the same thing might be said of almost every nation of the world. I confess that I made a mental reservation with respect to one nation whose name I will carefully conceal.

We were much interested in the business

methods of some of the cities of the continent. It was a cloudy day and we decided to avail of the opportunity to go "ad the bank," as Narcisse did. It was in Copenhagen and in a modest room on a corner we found the whirl and turmoil of affairs at the highest point at eleven in the morning. Entering modestly, we discovered four young clerks eating sandwiches and one aged and feeble clerk drinking coffee, while three other old ones blinked and dozed, regarding with disfavor the adventurous persons who disturbed their slumbers. When we announced that we wished to draw £20 in German currency there was a serious panic in that financial establishment. Consultations were held between two of the most choice antiquities on the premises, and after much Danish conversation, wholly incomprehensible to us, one of the patriarchs feebly remarked that it was a very large amount to call for in German money. There was a hint that the resources of the bank, grand as they were, were hardly equal to such a sudden and violent strain. At last a compromise was effected at one-half in German notes. The operation occupied twenty minutes; in New York it would have been all over in a minute and a half. These men have all the time there is, and they do not know what hurry means.

Perhaps they are happier for it; that is the orthodox way of looking at it; but I doubt if it is the true way. People who waste time in doing trifling things cannot have much time left in which to do great things.

The Wall Street broker does not waste precious moments between ten and three; but he does his task quickly and enjoys his leisure on his yacht, or upon the golf links. American absorption in pure work is a tradition of the past.

The reader of Lowell's essay on "A Certain Condescension in Foreigners" must have been led to reflect about a certain ignorance in foreigners, and when we consider ourselves in our relations with other peoples and other countries, we are forced to remember that we also are "foreigners," a term in which lurks a furtive flavor of disparagement, because it implies a lack of sympathetic accord with a particular environment. A foreign body commonly invites instantaneous expulsion, and when we have occasionally encountered the manifestations of the sullen, suspicious hostility which shows itself now and then as we loiter among our transatlantic fellow-beings, we awake to the truth that only patience and long-suffering, united with a natural desire to acquire the coin of Columbia

converted into shillings or kroner, marks or francs, obtain for us such indulgence as we receive. You gave me a slight pang of sorrow, little French boys, when on our way to Versailles you hailed our inoffensive coach with shrill cries of "*À bas les Anglais!*" It was bad enough, infant Gauls, to decree our downfall so mercilessly, for it is never agreeable to be "called down" for any cause, but you added a poison to the sting of your strident scoffing when you sought to deprive us of our nationality. We thought of pausing to assure you of our American citizenship and to silence your clattering tongues by reminding you of Lafayette and perhaps describing to you that cheerful statue of his in Union Square, which always seems to be about to board a Broadway car. His name you would no doubt have associated with the *Rue* which we traverse on our way from the *Gare du Nord* to the hotel, but he would not otherwise have appealed to your emotions. *Sous* might have stilled your senseless clamor, but although willing to devote millions for defence, we refused to pay even one centime for tribute, loyal to the memory of the statesman who more than a century ago said something of that sort in response to the demands of the ancestors of our little French boys.

I am not positive that we ourselves are altogether exempt from a like antagonism towards foreigners, except perhaps, in recent years, with regard to Englishmen, our newly discovered and long-lost brothers. There is a certain condescension on our part when we address a Frenchman, an Italian or a Spaniard in what William Allen Butler called the "you poor foreigner screech," or talk broken English to him after the well-known fashion of Mrs. Plornish. Why indeed, save for sordid motives, should any of our European cousins be fond of us? We are not unusually attractive, our ways are not their ways, we speak their languages with deplorable inaccuracy and with a detestable intonation, our tastes differ from theirs with a violence which must shock their sensibilities, and our manners must often appear to them to be atrocious. I did not feel greatly surprised when some individuals in Stockholm sneeringly referred to us as "Eskimo," unaware that there was a Scandinavian in our party. In fairness, I must add that our expert indignantly denied that our critics were Swedes and denounced them as mere voyaging Germans who are almost always frankly discourteous and impolite.

A consciousness of our own infirmities must

restrain us from making very merry over the vagueness of English ideas about our geography and our history. The ancient story of the British sportsman who expected to find Buffalo in the city of that name and Indians in the streets of Indianapolis, who looked for big game in the vicinity of Boston and for cowboys in the suburbs of Philadelphia, has long since been enrolled among the myths. But many of our friends in England are still quite cloudy in their minds when they attempt to dip into our affairs. We remember however that few Americans are able to tell us the situation of the historic counties of England or of the famous towns whose names are familiar, London, Liverpool and Chester excepted. Fewer possess an accurate knowledge of the wonderful empire of Australia, or prosperous New Zealand, or Tasmania. How many fairly intelligent persons of New York or Chicago can explain precisely the points of difference between a Liberal and a Conservative? It would puzzle most of the men at the Club if they were asked to give a definite analysis of the parties in the French Republic or to tell what excites the angry passions of the members of the legislative bodies of Austria and of Germany. We may not with any justice censure the foreigner if he is unable to

perform the task of defining the terms Democrat and Republican, because any of us might be embarrassed if called upon suddenly to do the same thing. An ancient disciple of Jefferson's school would be perplexed in making out the meaning of a modern Democratic platform with its manifest tendency towards the centralization of power which Jefferson abominated, and a Jacksonian would be equally astonished at the advocacy of free silver and an elastic currency. I am not finding fault with these latter-day changes of creed, but I am only trying to demonstrate the difficulty of associating fixed principles with party names.

Many years ago a friend was fortunate enough to sit at dinner next to Lord Cockburn, the distinguished Chief Justice, who asked him why Chief Justice Chase did not pay a visit to England. "We would be glad to do him honor," said Cockburn cordially, unmindful of the fact that Chase had been for some time among the immortal dead. No American lawyer of the humblest rank would have made a like mistake about Cockburn; and yet the powers of the great English dignitary were of much less importance than those possessed by the Chief Justice of the Supreme Court of the United States, a tribu-

nal which may sweep away the most solemn enactments of our parliament. Cockburn was a famous lawyer, with some odd failings about which divers stories are told more amusing than edifying. When we think of Chase's masterly administration of the Treasury during the Civil War, and of Cockburn's signal discomfiture at Geneva, where Evarts and Waite easily dominated him, the patronizing remark about Chase is almost mirth-provoking; but we do not forget the masterly trial of the Tichborne case where Cockburn gave evidence of his learning, force and ability as a jurist.

I remember too that the same friend, who as Governor of New York had been seriously interested in our prisons, asked Lord Tenterden (grandson of Tenterden, the Chief Justice,) to give him a letter of introduction to one of the authorities in charge of an English prison, and received a card commending "my friend who has been Governor of the State Prisons of New York." A lawyer in New York was recently asked by a worthy firm of London solicitors to attend to a small matter in Omaha, a city which they evidently believed to be about as remote as Elizabeth or Rahway, and they were quite unaware of the fact that the amount involved was scarcely

as much as the mere expense of the journey. Yet, after all, these little things are as unimportant as the attempt of a courier in Italy to convince me that Brooklyn is situated in New Jersey.

As excusable are the instances of inaccuracy which English writers afford when they are dealing with our men of literature and of politics. I cite as an example the remark of the late Richard Holt Hutton in his *critique* of Hawthorne. "In the great Civil War," said Mr. Hutton, "his [Hawthorne's] sympathies, as might be expected, were with the trimming Buchanans and Douglasses of the hour." To associate two such bitter foes as Buchanan and Douglas, is bad enough, but to those of us who are able to remember, with pride, the firm, outspoken loyalty with which the "Little Giant" espoused the cause of the Union at the outbreak of the conflict, only a few weeks before his lamented death, the charge of "trimming" in that season of strain and stress seems unjustifiably cruel; and when we reflect that his defeat for the Presidency in 1860 was the result of the Southern opposition to him, the accusation becomes all the more absurd. We may pardon the offender because he spoke without malice, from the plenitude of his mis-

information, but we are disinclined to forgive a reviewer, pretending to scholarship, when he calls our great novelist (*pace* Mark Twain) "Fennimore Cooper." Fancy the contemptuous wrath of the *Saturday Review* if one of us should write of Sir Walter Scot or George Elliott! Such trifles do not however militate against the truth that in Mr. Hutton's review of our most famous romancer we find an appreciation of Hawthorne, a discriminating analysis of his style and of his dreamy, mystic and poetic nature which has not been approached by any critic on our side of the sea.

I will not pause to repel the insinuation that Hawthorne was a sympathizer with those who were untrue to their country, but perhaps it may be well to remind contemporary readers that there were many sincere and patriotic men who were appalled by the dreadful consequences of the great conflict; who were not convinced of the wisdom of the Administration; and who despaired of the republic. My own father, who served his country faithfully in Mexico and in the war of the rebellion, brevetted for his meritorious conduct—as loyal a man as ever breathed,—was frankly of the same mind as Nathaniel Hawthorne and Franklin Pierce, except that he had more confidence than they had in the

ultimate triumph of the North. Their lack of confidence however was not inspired by sympathy with secession.

In the matter of errors about other countries, it occurs to me that in early life I was subject to delusions about palaces. A famous verse, sung more frequently in those days than now, was partly responsible for them. Such is the infirmity of man, that I am not sure of the exact words, but one may take refuge in the recollection that even Lamb almost always quoted his favorite old poets incorrectly, as Canon Ainger has pointed out with infinite pains.

'Mid pleasures and palaces though we may roam,
Be it ever so humble, there's no place like home!

A certain sentiment about these lines akin to that which is awakened by the old, oaken bucket or the tree which the woodman is said to have spared, endears them to all of us who belong to the generation which knew not automobiles or imperialism. We may wonder perhaps why John Howard Payne, whose former place of residence on Long Island was respectable but not palatial, should have considered it worth recording that palaces did not closely resemble his home. We have not sojourned in palaces very intimately, but we have contemplated the exteriors of many and

the interiors of a few, with feelings of limited awe. I am thinking not so much of the sombre edifices in the Italian cities, whose lower stories are largely given over to uses not wholly unconnected with commerce, as Mr. Micawber might have said, but of those which are dignified by royal occupation. It is sad that the King of England should be obliged to live in a town-house resembling a brown-stone block of the style prevalent in Fifth Avenue a quarter of a century ago. Much fun has been made of us about that brown-stone front fashion, long since abandoned, but when I bear in mind some of the enormities of London, the dreary monotony of Paris, and the unspeakable ugliness of modern Rome, I come back to old New York with my self-respect unimpaired. They cannot throw stones—even brown stones—at us with impunity, and we have learned a good deal quickly while they have learned very slowly indeed. The man who shut the Tiber in between solid walls, without a single sluice, is a fit subject for capital punishment, but only some special form of torture would meet the case of the caitiff who established a gas-house on the site of the Circus Maximus. Was there no other spot, Italian iconoclast, whereon a gas-house might have

been erected? You had a cotton-factory once in the Coliseum and you have filled the Theatre of Marcellus with dirty shops, but you might have relegated the manufacture of gas to some quarter where the odors would blend harmoniously with the malarious exhalations of the Campagna. We benighted barbarians of the West could have done no worse.

If Buckingham really built the palace which bears his name, I do not wonder that they took off his head, but they should have decapitated him before he began his career as an architect. They tell me that he did not devise the stupid structure. It must have sprung from a brain akin to that which created that whitey-brown packing box, the palace at Stockholm, which is at the moment staring me in the face. The appropriate home for the king is old St. James's, where he might view the guard-mount every morning, when the picked men of the household troops—picked for their beauty rather than for their bravery, I am told—parade in scarlet tunics and impressive shaggy hats, to the music of an admirable band. But he seems to lead a nomad life and is almost as much of a wanderer as Wotan or an American billionaire who lives in so many houses that the tax-collector has trouble in defining his domicile.

The Elysée Palace is by no means superior to the White House, even as our "Executive Mansion" has been amended and modified of late. Sans Souci, where nobody seems to live, has more of Voltaire about it than it has of the great Frederic. The summer residence of the Kaiser appears to be inhabitable, although not magnificent; but the palace in Berlin, where the exploring tourist promenades in snow-shoes, is of the veriest commonplace. The Trianons are dainty, but inferior to the meanest of Newport's alleged "cottages," and Versailles must have been as comfortable a place of abode as the Broad-Exchange building or the Grand Central Station. On reflection, I am convinced that Payne was right in preferring that little Long Island shanty, humble as it may have been, to any of the palaces I have encountered and the doubtful pleasures to be derived from their occupancy. A rainy day in a country house might be made delightful, notwithstanding the phrase we hear so often, but a rainy day in a palace must be as dreary as a winter afternoon in a light-house or a performance of a French comic opera in a Berlin theatre.

Years ago I was amused in reading the gloomy forebodings of Mr. Frederic Harrison when he complained that "in a few years

London will be only a grimy Chicago or a stuffy New York." He may call Chicago grimy if he will, for soft coal is just as sooty in America as it is in England, but it may well arouse "laughter for a month" to hear a Londoner deride any other town as "stuffy." Our metropolitan city may be crowded, disorderly, full of mistakes in architecture, lacking in parks and having an abominable sky-line; dirty here and there, but surely not *very* dirty; yet it is not stuffy. Nearly twenty years have passed since Mr. Harrison uttered his wail over the possible destruction of all that is lovable in London, his prophecy that it would soon be turned into a wilderness of stucco and huge American hotels. He had no foreshadowing of the coming of Mr. Yerkes, who is improving their railways to conform to modern standards, or he might have given us an additional cry of grief. Yet there is not very much difference between the London of to-day and the London of twenty years ago, except where the officials have seen fit to widen streets like the Strand, which sorely needed improvement. There are a few large hotels, but not so many as to ruin the city; and the natives seem to enjoy them very well. London has not lost the historic interest of which Mr. Harrison is

justly proud,—an interest greater to us than that of Paris or even of Rome, for it has been continuous for over a thousand years. We behold the Middle Temple, St. James, St. Paul's and the other Wren churches, the Tower and the Abbey, with an emotion which tawdry St. Denis and even Saint Chapelle or Notre Dame cannot awaken; and the few shattered relics of Rome's period of decay are melancholy fragments whose charm has been sadly sacrificed by a stupid government which has done its best to destroy their attractiveness. I see no immediate occasion to weep over London, and I am glad that Mr. Harrison has lived to see his predictions falsified.

Almost all generalizations are fallacious, but it is reasonably safe to say that the solid worth of peoples varies in an inverse ratio with the amount of real, physical noise they make. The visitor who has braved the streets of Naples must carry with him through life the memory of the dreadful din which rises even to his lofty perch in the remote quarter of Bertolini's. In Naples everybody howls systematically and persistently, and even the so-called dumb, driven cattle are impelled to emulate their human associates. In olden times, New York had a certain deep bass

rumble which, as a boy, I used to listen to of nights, quite impressed by the sound which I afterwards discovered was caused by the innumerable omnibuses, long since vanished and of which no one except myself ever spoke without applying to them the epithet "lumbering." Even the dismal squeaking of the elevated trains and the resounding clangor of the trolley cars have not yet made of New York a noisy city; and London, while it has its "bus" rumble still and some street cries, is more unpleasantly boisterous. The yelping of newsboys and of certain street vendors, and the loud bellowings of the horses of Paris are not soothing, yet Paris is only a little noisier than New York and London. But for him who, like myself, delights in stillness, Stockholm is a paradise of repose. The street cars proceed with only an occasional tinkle. I have seen a dozen steamboats landing at the same stretch of wharf in the little river which lies between the Palace and Blasieholm, with never a whistle or a clang of a bell, no one interfering with any other, and no more confusion than would be occasioned by the passing of two small vehicles on a country road; while the crowds of passengers stole away as silently as the celebrated Arabs who folded their tents. I saw

an expectant multitude await for nearly an hour the raising of a May-pole at Skansen on the midsummer holiday. The raising was accomplished slowly and by the most ludicrous and primitive methods. When at last the pole stood upright, I awaited the shout of triumph with which an American assemblage would have hailed the achievement; but not a sound was heard, not even a sigh of satisfaction. It was the victory of self-suppression.

No reasonable person ever expects any one else to agree with him in his opinions about the other side of the Atlantic. If you have never been there, your ideas are of no value. If you went, but travelled about rapidly, you are told that you should not have tried to do so much in so short a time. If you proceeded in a leisurely way, you are assured that the places you visited were much inferior to those places which your friends saw but which you did not see. The sapient individual who calmly says "Oh, you ought to have, etc, etc," cumbers the earth extensively. For some unknown reason, a merciful law of nature permits the existence of those who tell one what "he ought to have done," when their advice has not been solicited.

Now, I care not what the American aristocrats who occasionally honor transatlantic domains may say, but I do not believe that any man ever really liked the life of a foreign land or enjoyed its people or its customs, unless after a long experience he acquired the taste and became completely expatriated. It is not that the life of his own land is the better, but it ought to be for him. America may be more delightful than Turkey, but I doubt if a Turk could ever enjoy Hoboken as much as Constantinople. I do not believe that any son of New York can really enjoy a life in London or in Paris as much as his life in the great city of our own United States.

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